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ABSTRACT OF TITLE PART OF
THE RICHARDVILLE RESERVE IN



Title: "An Abstract of Title
of Part of the Richard-
ville Reserve in Allen
County, Indiana"

Presented by: Lois Haile Petras
Mary Penrose Wayne Chapter, NSDAR

Date: 1993

ABSTRACT OF TITLE
OF PART OF
THE RICHARDVILLE RESERVE
IN
ALLEN COUNTY, INDIANA

Abstract of Title

To the following described Real Estate

Lot No. 20 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, Indiana, being a Subdivision of part of Richardville Reserve in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

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Refer to No. 81, Sheet 128
for plat of Winchester Heights Addition, Section "A"

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Articles of a Treaty, made at St. Mary's, Ohio, between Jonathan Jannings, Lewis Cass and Benjamin Parks, Commissioners of the United States, and the Miami Nation of Indians:

Article III. The United States agrees to grant by patent in fee simple to Jean Bapt. Richardville, Principal Chief of the Miami Nation of Indians, the following tracts of land: - - Among other tracts not in Abstract - - three sections of land, beginning about twenty-five rods below his house on the River St. Mary's near Fort Wayne; thence at right angles with the river one mile, and from this line and the said river up the stream thereof for quantity - -

1. Article VI. The several tracts of land which by the third Article of this Treaty the United States have engaged to grant to the persons herein mentioned, except the tracts of Jean Bapt. Richardville, shall never be transferred by the persons or their heirs without the approbation of the President of the United States.

Treaty made Oct. 6, 1818.

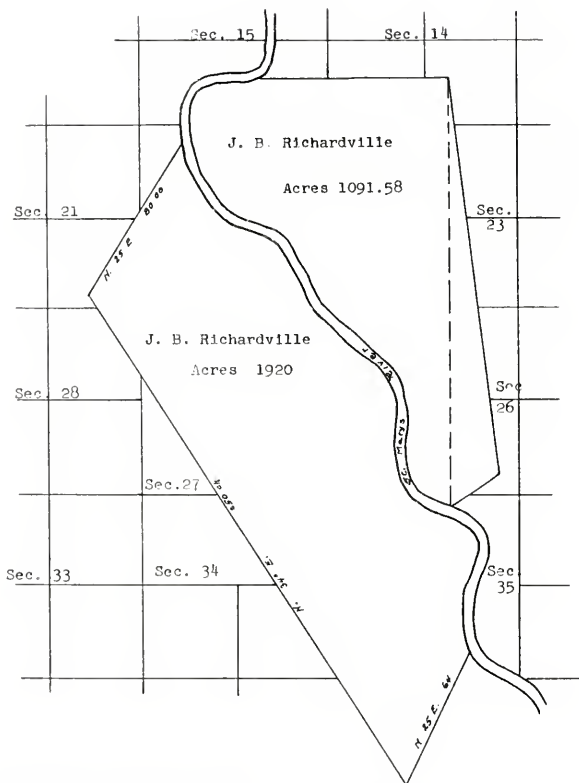
Proclamation made June 15, 1819.

United States Statutes at Large 7, page 189.

Township No. XXX North, Range No. XII East, 2nd Mer.

2.

(For Plat see next page)



Surveyed by J. Riley, 1822.

Taken from Government Plat Book

Washington, D. C. May 16, 1908.

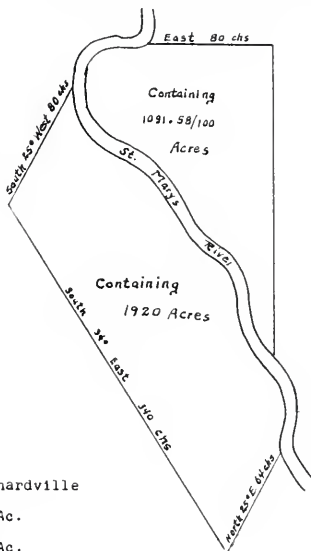
I hereby certify that the annexed copy of patent is a true and literal exemplification from the record in this office.

The record of the patent in this case was omitted to be signed as required by law, but section 2470 Revised Statutes of the United States provides that "Literal exemplifications of any records which have been or may be granted shall be deemed of the same validity in all proceedings, whether at law or in equity, where such exemplifications are adduced in evidence, as if the names of officers signing the same had been fully inserted in the record.

Fred Dennett,

3. (Official Seal)

Commissioner of the General Land Office



Ex'd.

Jean Bapt. Richardville

1,091.58 Ac.

1,920.00 Ac.

Treaty of 6 Oct. 1818.

The United States of America

To all to whom these presents shall come, Greeting:

Know Ye, that in pursuance of the third Article of a Treaty made and concluded at St. Mary's in the State of Ohio, between

Jonathan Jennings, Lewis Cass and Benjamin Park, Commissioners of the United States and the Miami Nation of Indiana, on the sixth day of October, in the year 1818. There is granted by the United States unto Jean Bapt. Richardville, the two tracts of land described as follows: - - includes - -

And a tract containing 1920 acres on the West side of the River St. Mary's bounded and described as follows, to-wit: Beginning at a post on the West Bank of the River St. Mary's (Witness tree); thence South 25 degrees, West 80 chains to a stone; thence South 34 degrees East 340 chains to a post, (Witness tree); thence North 25 degrees East 64 chains to a post on the Bank of the River St. Mary's (Witness tree); thence down the River St. Mary's with the meander thereof to the place of beginning.

To have and to hold the said tracts of land above described with the appurtenances unto the said Jean Bapt. Richardville and his heirs and assigns forever.

3. In Testimony Whereof, I, James Monroe, President of the United States of America, have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, this 4th day of September, 1823.

By the President, (L.S.)

Commissioner of the General Land Office

Recorded May 25, 1908

Deed Record 197, page 465

Certified copy of above Patent also

Recorded November 29, 1910

Deed Record 212, page 149.

Will of John B. Richardville

In the Name of God, Amen.

I, John B. Richardville, of the County of Allen, Indiana, principal chief of the Miami Tribe of Indians, being of sound mind and memory, knowing the uncertainty of life and desirous to dispose of my affairs while in a sound state of mind, do make, publish and declare this instrument as my last will and

testament, in manner following, to-wit:

First: I commit my soul to that God that gave it; my burial to be under the direction of my Executors hereinafter named.

Item 1. I devise, will and bequeath to my daughter, Catees (alias Catherine), wife of Lafontaine, her heirs and assigns forever, the three following sections of land, to-wit: One section of the same situated in the County of Huntington at the forks of the Wabash to be laid off to her by my Executors so as to include my houses and improvements there. The other two sections to commence at the confluence of the Mississinnewa and Wabash Rivers, running down the Wabash to the lower line of the two sections and back for quantity.

Item 2. I devise, will and bequeath to my daughter, LaBlonde (alias Maria Louisa) and her heirs and assigns forever, three sections of land on the St. Mary's River, in the County of Allen, known as my residence on that river.

Item 3. I give, devise, will and bequeath to my daughter,
4. Susan, and her heirs and assigns forever, three sections of land as follows: One of said sections lying in the County of Huntington, nearly opposite Vermilyas Mill; the other two commencing at the confluence of the Salamonie River and the Wabash, to run so far down as a line run to the back line will embrace two sections of land, being the upper two sections of my reserve on the Wabash River, below and adjoining the mouth of the Salamonie.

Item 4. I devise, will and bequeath to my son Mi-aw-que-ah (alias Bind-eyed Richardville) and his heirs and assigns forever, one section of land situated on the Mississinnewa River, and what is called the Osage Village.

Item 5. I give, will and bequeath to my granddaughter, Mon-go-se-quah, the daughter of La Blonde, her heirs and assigns forever, one section of land on the Wabash, adjoining the Salamonie River, the residue of said reservation being devised to my daughter, Susan.

Item 6. I give, devise, will and bequeath to my grandson Wa-pa-se-pah, (alias Louis Lafontaine) and his heirs and assigns forever, one section of land situated in Miami County, lying on the Wabash River, opposite the mouth of the Miasissinnewa River.

Item 7. I give, devise, will and bequesth to my niece, Margaret Lafalia, her heirs and assigns forever, one-half section of land commencing at a point on the Wabash and Erie Canal where Clear Creek intersects the same in Huntington County; thence up the canal until it strikes the lots as laid out for the town of Richardville, and back for quantity.

4. Item 8. I give, devise, will and bequeath to each of my grand and great grandchildren, and to their heirs and assigns forever, one-half section of land each, to-wit: To the following five children of my daughter, Catees, Che-pe-quay, Che-me-qus, Alin-ben-che-quay, her three daughters, to Wa-ka-shon-qua, to John B. Lafontaine (alias Old Man) her two sons, these are the five children of Catees, to whom I give a half section of land each. To Ma-ca-the-min-qua (alias John), son of Susan, and to his daughter, child by his former wife, the daughter of Push-ne-, each one-half section of land. To Ca-the-min-qua, to Shap-pen-do-seah, sons of my deceased son, John B. Richardville, Jr., to Cathe-min-quah-geah, and to Wa-ka-com-me-qua, daughters of said deceased son John B. Richardville, each of the four, one-half section of land. To Mon-go-san and Ke-la-com-me-ka, sons of my daughter, La Blonde, each one-half section of land. To Alin-na-ben-she-shan, son of my deceased son, Joseph Richardville, one-half section of land. To my great-grandson, the son of Cressent, who was the son of Joseph Richardville, one-half section of land. To my 4 grandchildren, the children of my son, Me-a-que-sh, whose names I do not recollect, each one-half section of land.

It is my further will and I hereby direct that my Executors cause to be surveyed and set apart to each of the devisees to whom one-half section of land is devised by this my Last Will and Testament, the separate tract to each individual out of any lands I

might possess at the time of my death, not expressly devised to any individual by this will, and file a record of such division with the name of the person to which each tract belongs in the county where the land lies, a certificate of which shall be evidence of title of such devisee, setting apart to the children of Catees the section I bought of Black Loon, in Huntington County, and the section and half at my mill on the Wabash at Rock Creek, should I own them at the time of my death, being to the said children of Catees, one-half section each. Should I dispose of the same in my life time, then theirs to be selected as the others.

Item 9. All the property, both real and personal or mixed, lands or tenements, credits, moneys and effects which I may possess at the time of my death, not devised to any devisee in this my last will and testament, all my cattle and household furniture, I devise, will and bequeath to my three daughter, La Blonde, Susan and Cateea, their heirs and assigns forever.

4. And lastly I constitute and appoint Allen Hamilton and the Rev. Julien Benoit, Executors of this my last will and testament and in case of death, refusal to serve or removal of either beyond of the limits of the State, it is my will that the Probate Court appoint an Executor in room of the one removed, refusing to aerve or deceased, so that there shall be at all times two executors of this my last will and testament.

In Testimony Whereof, I, John B. Richardville have hereunto
set my hand and seal, the 9th day of April, 1841.

John B. Richardville x his (Seal)
mark

Signed, sealed, published and declared by John B. Richard-
ville, principal chief of the Miami Tribe of Indians, as his
last will and testament, in the presence of the undersigned, who
subscribed our names to this instrument as witnesses, at the re-
quest of this Testator, in his presence and in presence of each
other, this 9th day of April, 1841.

John P. Hedges

John E. Hill

State of Indiana, Allen County:

On this 27th day of August, 1841, personally appeared before me, Philip G. Jones, Clerk of the Allen Probate Court, in the State of Indiana, John P. Hedges and John E. Hill, the two subscribing witnesses to the within last will and testament of John B. Richardville (late of Allen County, Indiana, deceased), who on their oath say that they saw the within named Testator sign and seal said will; that they heard him pronounce the same to be his last will and testament; that they signed the same as witnesses thereto, in the presence of each other and in the presence of said testator and at his request, and that at the time of making and publishing the same, said Testator was of sound mind and memory and understanding.

John P. Hedges

John E. Hill

Sworn and subscribed before me, the date above written.

P. G. Jones, Clerk.

Will Record 1, pages 35-40.

In re Estate

of

John B. Richardville

} Allen Probate Court

}

Be it remembered that on August 27, 1841, came into the Clerk's Office of the Probate Court of Allen County, Indiana, Allen Hamilton and Julien Benoit, produced the last will and testament of John B. Richardville, wherein they were named as Executors, and having proved the said will, letters testamentary with the will annexed were issued to said Hamilton and Benoit.

Probate Order Book B, page 185.

November 8, 1941. Letters Testamentary with the will annexed issued by the Clerk on August 27, 1841, to Allen Hamilton and Julien Benoit, are by the Court confirmed.

Probate Order Book B, page 188.

In re Estate	}	Allen Probate Court
of		
John B. Richardville		

November 14, 1844. Said Executors submit to the Court a recapitulation of their administration of said estate, showing total receipts of \$59,131.00 and total disbursements, in the payment of debts and for various distribution under order of Court to devisees and residuary legatees of \$55,729.00 leaving \$3,402.00. Out of said balance Executors paid to the devisees and residuary legatees, \$1,132.00 each - - \$3,396.00 in all, and file receipts therefor, showing a final settlement of said estate, said receipts being as follows:

(Original Report on file among papers.)

6.

Receipt

Received of Julian Benoit and Allen Hamilton, Executors of the last will and testament of John B. Richardville, \$1,132.00 amount due Susan Richardville, with whom I have intermarried, on a settlement of the personal assets of the late John B. Richardville between the said Executors and my wife, Susan Richardville, now Susan Ossem, which she is entitled to as one of the devisees and residuary legatees of said last will of John B. Richardville, and the Probate Court of Allen County are hereby authorized to discharge said Executors from all liability as to my share of said personal assets, which I am entitled to by virtue of my intermarriage with said Susan Richardville.

April 29, 1844.

Henry Ossem

Receipt

Received of Allen Hamilton and Julian Benoit, Executors of the last will and testament of John B. Richardville, deceased, the sum of \$1,132. being the balance due me on settlement with said Executors, as one of the residuary legatees to said last will and testament of John B. Richardville and the Probate Court is authorized to discharge said Executors from all liability on account of my share of the personal assets in said will named. Fort Wayne, April 29, 1849.

Witness: Henry Ossem

her
La Blond x Richardville
mark

Receipt

Received of Julian Benoit and Allen Hamilton, Executors of the last will and testament of John B. Richardville, \$1,132. amount due Catherine Richardville, with whom I have intermarried on a settlement of the personal assets of the late John B. Richardville, between the said Executors and my said wife, Catherine
6. Richardville, now Catherine Lafontaine, which she is entitled to as one of the devisees and residuary legatees of said will of John B. Richardville, and the Probate Court of Allen County are hereby authorized to discharge said Executors from all liability as to any share of said personal assets which I am entitled to by reason of my intermarriage with said Suzan Richardville.

Witness: Henry Ossem

his
Francis x Lafontaine
mark

Allen Hamilton, one of the Executors of the last will and testament of John B. Richardville, on his oath says that the foregoing contains the substance of all former reports made and allowed said Executors by said Court. That the sum of \$3,396. was paid to the residuary legatees, leaving in the hands of the Executors, \$8.00 towards paying the final costs. That the Executors known of no further report to make.

Allen Hamilton

Subscribed and sworn to in open Court. November 14, 1844.

P. G. Jones, Clerk,

By R. E. Fleming, Deputy Clerk.

- And thereupon the Court, after due deliberation and examination, do order, adjudge and decree that the said report be accepted and confirmed. That the said Executors apply the said sum of \$8.00 to payment of costs, and that thereupon said Executors be discharged from any further administration on said
6. estate, all of which is ordered, adjudged and decreed, and that said Executors be allowed to withdraw from the files of this Court the receipts of said heirs above copied.

Probate Order Book C, pages 17-21.

Papers in file Box #379.

August 28, 1851. LaBLONDE, alias Maria Louisa Richardville, and SUSAN RICHARDVILLE, Indians of the Miami Tribe, in the State of Indiana, and children of the late John B. Richardville, deceased, late principal chief of the said Miami Indians, grant, bargain, sell, convey and confirm to ALLEN HAMILTON, his heirs and assigns forever, in trust, for and in consideration of the conditions and stipulations hereinafter contained, and for the further consideration of \$5.00, the following described tracts of land:

7. Three sections of land, situate, lying and being on the St. Marys River, in the County of Allen, above the city of Fort Wayne, Indiana, upon which the said John B. Richardville, deceased, lately resided, which was devised to the said La Blonde by the Last Will and Testament of the said decedent, containing by estimation 1920 acres; (also other land devised in said will to Susan Richardville),

and all the rights which we, or either of us, have acquired or may hereafter acquire as such devisees and residuary legatees of the said John B. Richardville, deceased.

Deed Recites: Whereas LaBlonde (alias Maria Louisa Richardville) and Susan Richardville, who are the children and devisees of John B. Richardville, deceased, the late principal

chief of the Miami Tribe of Indians, in the State of Indiana, as such children and devisees, have acquired a large estate to each of us respectively, and

Whereas, being illiterate Indian women, unacquainted with the manners, customs and business transactions of civilized life, and entirely incompetent to manage, dispose of or preserve our said estate or to judge of the real value of the estates so devised to us by our said father, John B. Richardville, deceased, and being apprehensive that if we or either of us, keep and retain in ourselves the power to alienate, dispose of and encumber said property, we will be over reached and lose our patrimonial estates, become beggared and a prey to bad and designing men;

Now, therefore, to escape said calamity and to preserve our said patrimonial estates from being squandered, we are induced to make the following deed of trust;

7. The said Allen Hamilton shall have the entire supervision and control of the above described premises, and as far as in his power prevent all waste or other injuries thereto; that he shall lease so much thereof as he shall think proper to such person and upon such terms as he may think proper; and shall from time to time sell and convey such lands or such parts thereof as he may think proper to such persons and upon such terms as he may think conducive to our interests respectively; and when he shall have sold the same, or any part thereof, and received the purchase money therefor, shall make, execute and deliver to the purchaser thereof a good and sufficient deed in fee simple for the same; and shall collect all rents and profits arising upon said lands while the same remain under his control, and also to receive and collect all such money as they, the said La Blonde or Susan, may be entitled to under said will, and pay the same over to the said La Blonde and Susan according to their rights to the same. And the said Allen Hamilton, his heirs

- executors, administrators or assigns, shall from time to time, as the same become due, pay the taxes and all legal charges upon said lands or any part thereof; and the residue of all moneys which he may receive for the sale of said lands, or for the rents and profits of the same, and of all moneys or other articles of value which he may receive by virtue of these presents, after making the payments aforesaid and after retaining for himself a fair and liberal compensation for his care, trouble and responsibility in and about the premises, shall be by him from time to time as he may receive the same, paid over to the said La Blonde and Susan Richardville, according to their respective rights, that is to say: All moneys received by him for the sale, rents or profits of the said lands, devised to the said La Blonde shall be paid to her, and all moneys received for the sale, rents or profits of any of said lands devised to said Susan shall be paid over to her. In case of the death of either
7. the said La Blonde or Susan, to their respective heirs or legal representatives.

In witness whereof, the said La Blonde, alias Maria Louisa Richardville, and the said Susan Richardville, have hereunto set their hands and seals.

In presence of

Francis Comparet
Julian Benoit

La Blonde Richardville x her (Seal)
mark

J. B. Dubois
Wm. H. Coombs
John Hauseman

Susan x Richardville her (Seal)
mark

Acknowledged August 28, 1841 by La Blonde, alias Maria Louisa Richardville, before John B. Dubois, Justice of the Peace, Allen County, Indiana.

Acknowledged September 10, 1841 by Susan Richardville, before John Hauseman, Justice of the Peace, Huntington County, Indiana.
(L.S.)

Certificate of Magistracy of John Hauseman attached.

Recorded September 16, 1841 Deed Record D, pages 453-454.

8. No deed including caption real estate from Allen Hamilton, Trustee or release of the trust created in instrument at foregoing item, on record in Allen County, Indiana.
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Last Will and Testament of La Blonde, alias Maria
Louisa Richardville.

I, La Blonde, alias Maria Louisa Richardville, of the County of Allen and State of Indiana, desirous of disposing of my property by will, whilst in a rational and sound mind and knowing the uncertainty of life and time of death approaches do make, publish and declare this instrument of writing as and for my last will and testament in the manner follows, to-wit:

9. First: I will and bequeath unto my dearly beloved son, Ke-la-ke-mo-ke-ah, alias George Ossem, his heirs and assigns forever, the section of land where I now reside, to include my brick house, orchard and barn, the lines between them and the section hereinafter devised to my daughter, Mon-go-se-quah are to be run under the direction of my Executors hereinafter named.

I also will and bequeath to my said son, Ke-la-ke-mo-ke-ah, the chairs in the parlor, being twelve in number, the fancy mantel clock in the parlor, one large bureau and one new common bureau, one shaving case, the same formerly owned by my late father, one dining table, two bedsteads, and bedding, one large looking glass, and all other furniture, that is usually kept in the two north rooms of my house where I now live, and also all my horses, sheep and stock of every kind, and all my farming utensils.

Second: I will and bequeath to my dearly beloved daughter, Mon-go-se-quah, wife of James R. Godfrey, and her heirs and assigns forever, the section of land where William Beck now resides, the lines between it and that bequeathed to my son, Ke-la-ke-mo-ke-ah to be run under the direction of my executors.

The section thus bequeathed to my daughter and the one to my son to be run off under the direction of my said executors so that each section shall contain 640 acres or thereabouts as near as may be.

I also will and bequeath that my said daughter, wife of James R. Godfrey, have all my household and kitchen furniture except that heretofore bequeathed to my son, George.

Third. I will and bequeath to my grandson, the son of William Cass Richardville, deceased, and Angelie Revard, of the name of Me-che-ka-no-quah, \$100.00 to be paid over to his mother by my Executors, taking receipt thereof.

Fourth: I give and bequeath to my niece, Wa-sa-co-mo-quah, daughter of my late brother, John Baptiste Richardville, \$100.00 to be paid to her at such time as my Executors may think best for her advantage.

Fifth: I will and bequeath to my son, Ke-la-ke-mo-ke-ah and my daughter, Mon-go-se-quah and their heirs and assigns
9. forever, the section of land remaining undisposed of near where I now reside, to be divided equally between them under the direction of my Executors, and they, my Executors, are hereby authorized, empowered and required to make such division and to assign to my said son, Ke-la-ke-mo-ke-ah, and my daughter Mon-go-sah-quah, each their separate part of said section of land.

Sixth: I will and bequeath to my son, Ke-la-ke-mo-keah, three fourths of all the money I may possess at the time of my death, to be paid over by my Executors to him or his guardian or guardians.

Seventh: I will and bequeath to my daughter, Mon-go-sa-quah, one fourth part of all the money I may possess at the time of my death, to be paid over to her by my said Executors.

Eighth: It is my will and I hereby direct that my Executors sell and dispose of all the residue of my lands and tene-

ments which I will die possessed of, except those devised by this my last will and testament, to be disposed of in such directions as they may think best calculated to sell well and for such prices as they may deem a fair value, and on such terms of payment as to them may seem reasonable, and on securing payment for such lands so sold to give to their purchaser or purchasers deed or deeds for such tract or tracts as he or they may purchase, hereby fully empowering my executors hereinafter named to make such sale and give such deeds of conveyance as will dispose of all my lands, except those disposed of and bequeathed in this my last will and testament.

- Ninth: I devise, will and bequeath the proceeds of the sale of my lands so directed to be sold by my Executors in this my last will and testament, so soon as the same is reduced to money, as well as all the credits and effects of every kind of which I will die possessed, and not hereinbefore bequeathed in this my last will and testament, to be equally divided and
9. paid over by my said Executors, to Ke-ls-ke-mo-ke-ah, alias George Ossem, and my daughter, Mon-go-seh-quah, wife of James R. Godfrey, share and share alike, making my said son, Ke-la-ke-mo-ke-ah, and my daughter, Mon-go-seh-quah, legatees of all my property not heretofore bequeathed.

Tenth: It is my will and I hereby direct that after my death my body be interred in such a manner and such a place as my Executors may direct.

Eleventh: I hereby constitute and appoint Allen Hamilton, Julian Benoit and Francis Lafontaine, Executors of this my last will and testament.

In Testimony Whereof, I have hereunto set my hand and seal, this 23rd day of May, 1846.

La Blonde, alias Maria Louisa Richardville

her X mark (Seal)

Signed, sealed, published and declared by said La Blonde,

alias Maria Louisa Richardville, as and for her last will and testament, in the presence of the undersigned, who signed the same as witnesses in the presence of the Testator and at her request, and in the presence of each other, this 23rd day of May, 1846.

Francis Morrison

John Roch

- Be it remembered that on the 1st day of June, 1847, personally appeared before me, Clerk of the Allen Probate Court, John Roch, of lawful age, who, being duly sworn on his oath, saith that the within will and testament was duly executed by the said La Blond, alias Maria Louisa Richardville, in his, 9. affiant's presence, by the said La Blond; that the Testatrix, at the time of executing the same, was of full age to devise property, and of sound mind and memory and not under coercion or restraint, that she at that time declared and published the foregoing as her last will and testament in his presence, and that he subscribed the same as witness at her instance and request.

Jno. Roch

Subscribed and sworn to before me, this 1st day of June, 1847.

R. E. Fleming, Clerk (Seal)

(Certificate of Probate and Order of Probate not to be found.)

Recorded June 1, 1847.

Will Record 1, pages 118-121.

In re Estate

of

10. La Blonde, alias

Maria L. Richardville

} Allen Circuit Court

Be it remembered that on June 1, 1847, came before the

Clerk of the Probate Court, Allen County, Indiana, Allen

Hamilton and Julian Benoit, and pray for letters testamentary

on said estate, and having filed the will of said La Blonde, and it being proved that said La Blonde has been dead for more than 15 days last past, and said Allen Hamilton and Julian Benoit having filed a bond and oath herein, letters were issued.

Probate Final Record F, page 504.

Record of Letters Testamentary &c A-1, page 72.

10. August 5, 1847. Letters issued June 1, 1847, to Allen Hamilton and Julian Benoit, by the Clerk in vacation, are by the Court approved and confirmed.

Probate Order Book C, page 480.

Probate Final Record F, page 504.

In re Estate

of

La Blonde Richardville

} Allen Circuit Court

July 6, 1854. Said Executors file their final account and vouchers, which are by the Court referred to William W. Carson, a Master Commissioner of said Court for examination and report.

Probate Order Book E, page 452.

- - -

Final Settlement Account

11.	Charges:.....	\$12,654.54
	Interest:.....	\$ 405.00
		<u>\$13,059.54</u>
	Credits:.....	1,099.32
		<u>\$11,962.22</u>
	Amount raised from sale of Realty:.....	\$ 2,771.66
		<u>\$14,733.88</u>
	Amount paid Godfrey and wife	
	As per first report.....	\$2000.00
	As per receipt now filed..	2600.00
	Amount paid George Aussem	
	As per receipt now filed..	10300.00

Balance Fleming Fees.....\$	7.72	
Sinclair fees:.....	28.50	
Balance due Allen Hamilton		
	\$14,936.22	\$14,936.22

which said sum of \$202.34 the undersigned asks the Court to order the heirs of decedent to pay over to him, and also to order the heirs to pay over to the proper person two small legacies under the will of decedent, legatees not having as yet been found by the Executors.

The undersigned would further report that the notes with which they have been charged in the inventory have been delivered over to the heirs as per receipts filed herewith.

The money paid over has been distributed according to the provisions of the last will and testament of decedent.

Allen Hamilton

Acting Executor.

Subscribed and sworn to before me, April 15, 1854.

Jos. Sinclair, Clerk.

- And the said Allen Hamilton, Executor, does further report that there has come into his hands in addition to the amounts mentioned above, the further sum of \$4549.00 in promissory notes, all of which notes were paid over to the legatees entitled thereto, as will appear from the vouchers filed herewith for the same. And the said Executor further reports that the above and foregoing contains a full, true and complete account of all the estate of decedent which has come to the hands or knowledge of one or either of the Executors so far as said Hamilton can now recollect, and that he believes the same to be correct, and therefore prays the Court to discharge him, the said Hamilton, and Julian Benoit from further liability and accounting by reason of their trust as Executors.
- 11.

Subscribed and sworn to October 27, 1854, before Wm. W. Carson.

Allen Hamilton,

Executor.

Master Commissioner

Filed April 15, 1854.

- - -

Receipt

Received of Allen Hamilton and Julian Benoit, Executors of the last will and testament of La Blonde Richardville, deceased, the sum of \$2,600.00 in addition to what has been heretofore paid to and on account of Mon-go-za-quah, heir and legatee of said decedent, and also the further sum of \$2,274.50 in promissory notes, which were left by said decedent and not

collected by said Executors. In consideration whereof, James R. Godfrey and Mon-go-ee-quah Godfrey, wife of the said James R. Godfrey, and the heir and legatee of said decedent, in said will mentioned, hereby acknowledge payment in full of all and every part of the legacy and bequest granted and made to the said Mon-go-se-quah Godfrey by the Will of said decedent, or to which we or either of us are or may be entitled to as heir and legatee of said La Blonde Richardville, deceased, and we, as such heirs and legatees hereby release, acquit and discharge the said Allen Hamilton and Julian Benoit, as such Executors aforesaid, from any and all further liability to us, or either of us, on account of their said trust, as such Executors, so far as we, or either of us are or may hereafter be interested.

In witness of which we hereunto set our hands and seals
this ___ day of June, 1853.

his
James x R. Godfrey (Seal)
mark

her
Attest: Mon-go-za-quah x (Seal)
F. D. Lasselle mark

(Original on file among papers.)

- - -

Receipt

11. Received of Allen Hamilton and Julian Benoit, Executors of the last will and testament of La Blonde Richardville, deceased, the sum of \$10,300.00 as heretofore paid by said Executor on my account, and for me to Francis D. Lasselle and Henry Ossom, guardians of my person and estate, in pursuance of the will of said deceased. And also the further sum of \$2,274.50 in promissory notes, which were left by said decedent and not collected by said Executors; in consideration whereof I, George Ossem, heir and legatee in said will mentioned, hereby acknowledge payment in full of all and every part of the legacy and bequest granted to me by the will of said deceased, and to which I am or may be entitled to as heir and legatee of said La Blonde Richardville, deceased; and I, as such heir and legatee, hereby release, acquit and discharge, the said Allen Hamilton and Julian Benoit as such Executors, from any and all further liability to me and all other persons claiming under or through me, on account of their said trust, so far as I, as such heir and legatee, am or may hereafter be interested.

In witness whereof, I have hereunto set my hand and seal, this ___ day of June, 1853.

George A. Aussem (Seal)

Attest: F. D. Lasselle

(Original on file among papers.)

- - -

In the matter of the Final settlement }

of the accounts of Allen Hamilton,
acting Executor of the will of
La Blonde Richardville, dec'd.

In pursuance of an order of the Court made July 6, 1854, referring the final settlement account and vouchers of said Executors to me, William W. Carson, one of the Master Commissioners of said Court, I do now respectfully report that I have carefully examined said final settlement account with the accompanying vouchers.

I find that said Hamilton received, as such Executor, several sums of money, Treasury notes, bearing interest and promissory notes, amounting together to the sum of \$20,380.20. And that he has paid out and disbursed on account of said estate, and his said trust, several sums to the creditors of said estate, and heirs and legatees of said decedent, amounting in all to the sum of \$20,582.54, which will leave an amount due said Allen Hamilton of \$202.34, which sum is allowed him. The particulars of the receipts and vouchers and disbursements will more fully appear by the report and vouchers herewith filed.

Wm. W. Carson,
Master Commissioner.

11. Filed October 27, 1854. (Original on file among papers.)

- - -

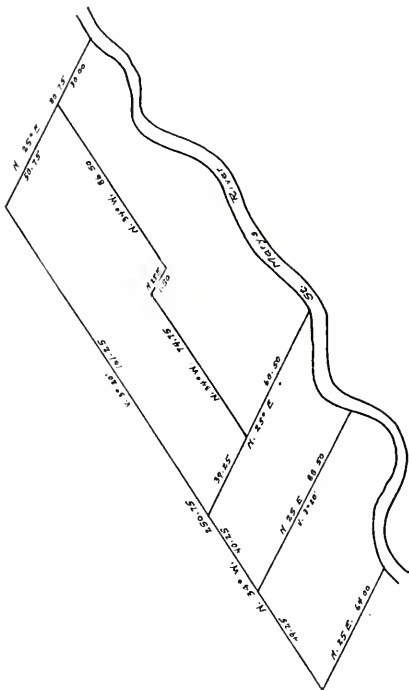
October 27, 1854. It is by the Court ordered, adjudged and determined that said Final Account as adjusted and passed by said Master Commissioner be in all things approved and confirmed and finally settled and allowed. And it appearing that there came into the hands of said Executors the sum of \$20,380.20 and that they have disbursed the sum of \$20,582.54, leaving a balance due Allen Hamilton of \$202.34, said sum of \$202.34, is allowed by the Court and said William W. Carson is allowed \$15.00.

Probate Order Book F, page 39.
(Papers on file in Box 380)

Transcript of Proceeding is entered -

Probate Final Record F, pages 504, 514 & 517.

12.



Done January, 1848.

W. Beeck }
Valigent } Chairmen

Rudisill, Jr., C. S. A. C.

Surveyor's Record A, page 280.

In re Guardianship
of
George Ossem

} Allen Probate Court
}
}

November 11, 1847. Letters issued October 19, 1847, by the Clerk in vacation to Henry Ossem, are by the Court approved and confirmed.

Guardians' Bond Record 1, page 3.

Probate Order Book C, page 537.

- - -

November 21, 1848. Letters issued November 3, 1848, by the Clerk in vacation to Francis D. Lasselle, are by the Court approved and confirmed.

Guardians' Bond Record 1, page 12.

Probate Order Book D, page 69.

- - -

13. April 13, 1853. Francis D. Lasselle, guardian as aforesaid, files his final settlement account, showing a balance of \$124.78 and also files a receipt of said Aussum in full discharge of all liability as Guardian, and it is by the Court ordered, adjudged and decreed that said Guardian be discharged from all further liability as Guardian.

Probate Order Book E, page 110.

(Papers not on file.)

In above guardianship proceedings said minor is variously referred to as Ossem, Ossum, Aussem and Aussum.

In re Estate
of
George A. Aussem

} Allen Probate Court
}
}

May 3, 1854. Letters issued December 9, 1853 to Francis D. Lasselle by the Clerk in vacation are by the Court approved and confirmed.

Administrators' Bond Record 1, page 29.

Probate Order Book E, page 297.

October 18, 1881. Comes now Charles B. Lasselle, Executor of said Administrator (Francis D. Lasselle) who it is alleged was before his death Administrator of said Estate and submits his report.

Probate Order Book V, page 222.

June 24, 1882. The Court having examined said report and no objections being made thereto, the same is approved and said Executor is discharged.

Probate Order Book W, page 286.

February 19, 1864. William R. Nelson qualifies as Administrator of said estate and letters issue.

Administrators' Bond Record 1, page 29.

October 30, 1865. William R. Nelson, Administrator, files a Final Report, which is by the Court affirmed and approved, and said Administrator discharged.

Probate Order Book I, page 143.

(Papers not on file)

In above proceeding, name of decedent is variously written Aussem, Aussum, Aussen, George A. Aussem and George A. Aussum.

In re Guardianship
of
Me-che-ke-noc-quah

} Allen Probate Court
}

April 15, 1854. Francis S. Aveline qualifies as Guardian of the person and estate of Me-che-ke-noc-quah, minor heir of George Aussem, late of Allen County, deceased, and letters issue to him.

Guardians' Bond Record 1
Probate Order Book F, page 430.

- - -

January 27, 1855. Said letters are by the Court reviewed.
Probate Order Book F, page 107.

April 9, 1855. Letters issued January 9, 1855 to Henry R. Colerick by the Clerk in vacation are by the Court approved.

Guardians' Bond Record 1, page 54.
Probate Order Book F, page 127.

- - -

April 29, 1856. Upon petition filed by Henry R. Colerick Guardian of Me-che-ke-no-quah, it is by the Court ordered that said Guardian be authorized to compromise with and execute a release in the nature of a disclaimer to Nancy Aussem for all claim, interest and estate that the said Me-che-ke-no-quah may have or has of, in and to all the estate, whether real, personal or mixed, of which Henry Aussem died seized and possessed or owned at the time of his death; and that said Colerick deliver said release and disclaimer to the said Nancy on the executing of a release and disclaimer by the said Nancy to the said Me-che-ke-no-quah, of any and all interest, claim or estate that she has or may have in any of the estate, whether real, personal or mixed, of which George Ossem died seized or owned at the time of his death, which he derived by purchase or by descent or devise from his mother, La Blonde Richardville, deceased, and an indemnity to save harmless the said minor from all costs and charges including attorneys fees which were incurred in contesting the claims of the said Nancy to the heirship of the said Henry Aussem, deceased, in this County.

Probate Order Book F, page 289.

May 1, 1856. Henry R. Colerick, Guardian of said minor, reports that he has in conformity with the order of the Court

heretofore made executed a release and disclaimer to the said Nancy Aussem, and that the said Nancy executed a release and disclaimer as directed by said order, which release and disclaimer so executed to said Nancy is in these words:

I, Henry R. Colerick, Guardian of Me-she-ke-no-quah, a ward of Court of Common Pleas of Allen County, Indiana, and by virtue of an order of this Court, made at its present term wherein I am, as such Guardian, directed to assign to Nancy Aussem, the daughter of Henry Aussem, deceased, all the right, title, claim, interest and estate of the said Me-she-ke-noc-quah, in the estate of said decedent:

Now, therefore, I, Henry R. Colerick, as such Guardian of the person and property of the said Me-she-ke-no-quah, do hereby transfer and assign to Nancy Aussem, in consideration of a written release which she has this day executed to the said Me-she-ke-noc-quah, and also for certain liabilities which she has assumed to pay for the said Me-she-ke-noc-quah, all the right, title claim, property and interest of the said Me-she-ke-noc-quah in the Estate of Henry Aussem, deceased, by right of descent or distribution through George Aussem, deceased.

Witness my hand and seal, as Guardian, this 30th day of April, 1856.

H. R. Colerick, Guardian
of Me-she-ke-no-quah.

15.

And the Court now upon motion approved, ratifies and confirms the same and said Colerick is ordered to deliver said release to said Nancy Aussem.

Probate Order Book F, page 295.

July 11, 1861. Guardian files his report and the Court fully ratifies and confirms all that the said Guardian has done in the matter of said trust and said Guardian is discharged.

Probate Order Book H, pages 40 & 47

October 14, 1861. Letters issued on July 19, 1861, by the Clerk in vacation to Augustus H. Carrier are by the Court confirmed and approved.

Guardians' Bond Record 1, page 231.

Probate Order Book H, page 63

October 23, 1866. Final Report of said Guardian is by the Court in all things allowed and confirmed and said

Guardian is discharged.

(Papers not on file)

Probate Order Book I, page 441.

(In above and following proceedings, minor is variously referred to as Me-che-ke-noc-quah, Me-che-ke-no-quah, Me-she-ke-no-quah, Me-she-no-quah, Me-she,ka-no-quah, Meshe-ke-noc-quah, Me-che-ke-noe-quah, Mish-e-ca-no-quah.)

Deed dated March 27, 1867 by Walpole G. Colerick to William Cass (alias Mish-e-ke-no-quah) for real estate not in Abstract, recites that the said William Cass and Archange Godfrey are the only heirs of George Ossum, deceased.

16. Recorded April 23, 1870 Deed Record 48, page 556.

(Refer to No.109 for Affidavit of John Hartman)

Me-che-ke-noc-quah
by Francis S. Avaline, Guardian } Allen Common Pleas Court
of } Partition
James R. Godfrey, et al }

Amended Complaint

Petitioner, Me-che-ke-noc-quah, minor, by Francis S. Avaline, Guardian, represents that he is seized in common with Mon-go-ze-quah, wife of James R. Godfrey, of the following real estate in Allen County, Indiana:

17. A part of the three sections of land granted to John B. Richardville by the Treaty of St. Marys in the year 1818 viz: Commencing at a point on the St. Marys River where the East line of said tract strikes the same, thence along said East line to the Southeast corner of said three sections of land; thence running Northwestwardly along the south boundary thereof 49 chains and 25 links to a post; thence running North 25 degrees East 88 50/100 chains to the Saint Marys River; thence up said stream with the meanders thereof to the place of beginning, which tract contains 320 acres.

Also the following part of the same three sections, viz: Commencing at the Northwest corner of the same where the West line thereof strikes the St. Marys River on the south side thereof; thence running up said river with the meanders thereof to a post on the banks thereof, witnessed by a hackberry tree twenty inches in diameter, bearing North 14 1/2 east 4 links distant, also a sugar tree ten inches in diameter bearing north 45 1/2° East distant 26 1/2 links; thence south 25 degrees West to the North East corner

of the section of said land, 640 acres owned by said Mongozequa; thence North 34° West 74 chains and 75 links; thence North 24° East 11 chains and 50 links; thence North 34° West 86 chains and 50 links to the Western boundary of said 3 Sections; thence along said boundary to the place of beginning, and which tract contains 640 acres, also other real estate - -

That petitioner is seized of $\frac{1}{2}$ of said land in fee. That said Mon-go-ze-quah has intermarried with James R. Godfrey.

Petitioner prays partition.

Common Pleas Final Record A, pages 459.

Filed July 11, 1854.

Summons

May 18, 1854. Summons to James R. Godfrey, and Mon-go-ze-quah, his wife, returned endorsed: "Served by reading to the within named persons, June 10, 1854. W. H. McDonald, Shff. A. Co."

Common Pleas Final Record A, page 461.

Decree

July 11, 1854. Now comes the said plaintiff and by leave of the Court filds his complaint as amended in these words: (H.I.), and thereupon the said defendants, being each three times called, come not but make default, and it appearing to the satisfaction of the Court that the writ heretofore issued in this behalf had been duly served on said defendants according to law, which writ and return are in these words: (H.I.). Thereupon, said petition is taken as confessed and the Court after heard the proofs and evidence of the plaintiff, finds that he is seized in fee simple of the one undivided half of said premises in said complaint mentioned, and that said Mongozequa is seized of said remaining half.

17.

Whereupon, it is ordered and adjudged by the Court, that partition thereof be made, viz: One-half to said plaintiff and one-half to said Mongozequa as in said petition as prayed, and that Allen Hamilton, Henry R. Colerick and John M. Wilt, three disinterested free-holders of the said County of Allen and State of Indiana be and they are hereby appointed Commissioners to make partition of said premises by the first day

of the next term of this Court, or so much of the same as is susceptible of partition, and if any part of said premises is not susceptible of partition that they report that fact to this Court at the same time, and this cause is continued.

Common Pleas Order Book A, page 269.

Me-che-ke-noc-quah,
by Francis S. Avaline, Gdn.

vs.

James R. Godfrey, et ux

} Allen Common Pleas Court

} Partition (Continued)

} Report of Commissioners

October 21, 1854. The Commissioners heretofore appointed file their report as follows:

They have partitioned and set off to said Me-che-ke-noc-quah:

18. Commencing at a point on the banks of the St. Mary's River where the East line of said reserve of three sections granted to John B. Richardville at the Treaty of St. Marys in the year 1818 intersects the same; thence south-westwardly along said east line to the south east corner of said reserve; thence along the southern boundary of said Reserve north-westwardly 49.25 chains; thence north 25° East to the St. Mary's River; thence up said river with the meanders thereof to the place of beginning, which said tract contains 320 acres, more or less; being the same tract of 320 acres in petition described;

And they have set apart to said Me-she-ke-noc-quah 270 acres of said tract of 640 acres in said proceeding described off the upper end thereof which is more particularly described as follows:

Commencing at the north east corner of said 640 acres tract at a post as fixed on the south bank of the St. Mary's River at a post described in said warrant and other proceedings aforesaid; thence running south 25° degrees west 64 chains and 20 links; thence north 34° degrees West 54.76 chains; thence North $31 \frac{1}{6}^{\circ}$ degrees 53.80 chains to the river, then up the said St. Marys River to the place of beginning.

and said Commissioners would further report that they have set apart to the said Mon-go-ze-quah, wife of said James R. Godfrey the remainder of said tract of 640 acres above mentioned

and described in said warrant and other proceedings, bounded as follows:

Commencing at a point on the St. Marys River at the North West corner of said 3 Sections or where the lower boundary of said 3 sections strikes the river; thence running S. 25 W. 30 chains; thence S. 34 deg. East 86.50 links; thence south 25 degrees West 11.50 chains; thence S. 34 deg. East 19 chains, thence North 31 deg. 10 minutes East 53.80 chains, containing 370 acres,

which they would report to be a fair division of said lands and just partition thereof.

18.

Jno. M. Wilt
Allen Hamilton
Henry R. Colerick

Acknowledged October 21, 1854 by John M. Wilt, Allen Hamilton, and Henry R. Colerick, Commissioners, before I. D. G. Nelson, Clerk.

And it is by the court adjudged that said Me-che-ke-no-quah and Mon-go-ze-quah hold in severalty, in fee simple, the said premises so partitioned to them.

Common Pleas Order Book A, page 316.

Common Pleas Final Record A, pages 461-463.

April __, 1854. JAMES R. GODFREY AND MONGO-SAH-QUAH, being a daughter of La Blonde, otherwise called Maria Louisa Richardville, now deceased, grant, bargain, sell and convey to ALLEN HAMILTON AND JOSEPH K. EDGERTON, the following real estate in Allen County, Indiana: - - Among others - -

19.

The one-half of the section which was by the 5th clause of the said La Blonde's last will and testament devised to Ke-la-ke-mo-ke-ah, or George Ossem and said Mongo-sah-quah, as tenants in common, to be divided between them by the Executors of said Last Will and Testament, being that half or part of said section which was set off the assigned by said Executors to said Mongo-sah-quah for her share thereof.

In trust, with full power to lease, sell and convey, net proceeds to grantors or the survivor of them for the support and education of their children, surplus funds to be with the trust eventually divided among said children.

(For further conditions of trust see record)

Allen Hamilton (Seal)

Joseph K. Edgerton (Seal)

his

James R. x Godfrey (Seal)

mark

her

Attest: Hugh McCulloch
Chas. D. Bond

Mon-go-sah x quah (Seal)
mark (or Mrs. Godfrey)

Acknowledged May 3, 1854 by James R. Godfrey and Mon-go-sah-
quah, his wife, before Chas. D. Bond, Notary Public, Allen
19. County, State of Indiana. (Seal)

Acknowledged June 28, 1854 by Allen Hamilton and Joseph K.
Edgerton, before Chas. D. Bond, Notary Public, Allen County,
State of Indiana. (Seal)

Recorded July 7, 1854

Deed Record P, pages 655-659.

Archange Godfrey

vs.

20. Joseph K. Edgerton
Andrew H. Hamilton
Montgomery Hamilton
Emerine Hamilton
Mary Hamilton
Margaret Hamilton
Eleanor Hamilton
Charles Strack
Mary Strack
William Case
Louisa Case
George Godfrey
John Godfrey
Catherine Godfrey
Anna Godfrey
James R. Godfrey

Allen Circuit Court

(Proceeding to set aside
deed to Allen Hamilton
and Joseph K. Edgerton -
recorded in Deed Record
P, pages 655-659 - Shown
at No. 19 of Abstract.)

Complaint filed November 15, 1867 alleges that Mon-go-
se-quah, alias Archange Godfrey, wife of James R. Godfrey,
plaintiff, complains that Emerine Hamilton is the widow and
said other five Hamiltons are the heirs at law and children
of Allen Hamilton, deceased; and the said Mary Strack,
Louisa Cass, George Godfrey, John Godfrey, Catharine Godfrey
and Anna Godfrey are the children of plaintiff; Charles
Strack is the husband of Mary Strack; William Cass is the
husband of Louisa Cass, and James R. Godfrey is the husband
of plaintiff; that the execution of the deed in trust to
Allen Hamilton and Joseph K. Edgerton (shown at No. 19 of
Abstract) was wrongfully obtained from her. She prays that
the same be declared void and set aside and that she be re-
stored to all the title of the lands therein conveyed.

Circuit Final Record K, pages 122-132.

November 29, 1867. Defendants, Margaret and Ellen Hamilton and George, John, Catherine and Anna Godfrey, being minors, Holman Hamilton is appointed guardian ad litem, of said Margaret and Ellen Hamilton and Martin V. B. Spencer is appointed Guardian ad litem of said George, John, Catherine and Anna Godfrey, and said Guardians file answer.

Circuit Order Book F, page 34.

November 15, 1867. Summons dated November 15, 1867, returned endorsed: Served this writ by reading to the within named defendants, Andrew H. Hamilton, Montgomery Hamilton, Margaret Hamilton, Charles Strack, Mary Strack, William Cass, Louisa Cass, George Godfrey, Catharine Godfrey, Anna Godfrey and James R. Godfrey, and by copy on defendants, Joseph K. Edgerton, Emerine Hamilton, Mary Hamilton, Eleanor Hamilton, John Godfrey and Catherine Godfrey. John McCartney, Shff.

Circuit Final Record K, page 133.

20. January 9, 1868. Said defendants default.

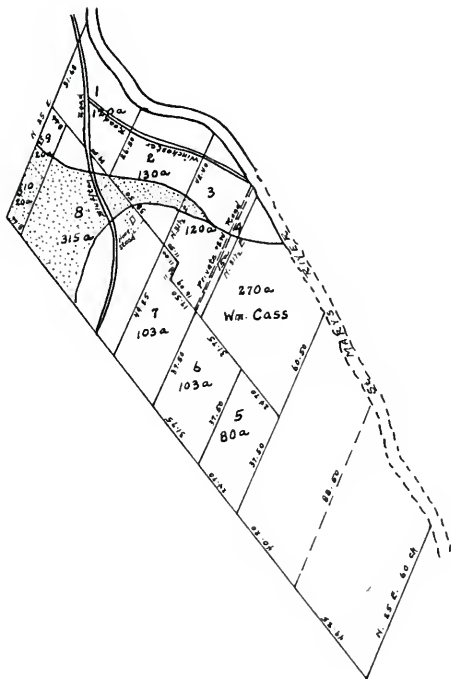
Circuit Order Book F, page 126.

February 21, 1868. It is by the Court adjudged that the deed in complaint mentioned is hereby declared to be null and void to all intents and purposes and that said plaintiff be restored to all of the said premises and re-instated in the title thereto as fully and entirely as though she had never executed the said deed, and as of her own separate estate;

And it is further ordered by the Court for the purpose of quieting her title to said premises on the records, Walpole G. Colerick is appointed a Commissioner to execute for said defendants a deed to the plaintiff for said premises thereby restoring to her all her right, title and estate she had in the premises at the time she executed said deed, and that said Commissioners report said deed to this Court for approval and record.

Abstracter's Note: Deed by Walpole G. Colerick, ordered in foregoing decree, not on record in Allen County, Indiana.

Richardville Res. W. side St. Marys River,
T. 30, R. 12 E., 2nd Prim. Mer.



Private road beginning at Fig. No. 1 to 2 from 2 to 3 intersects Winchester Road and located between Lot No. 3 & 4 as shown on Plat.

Lot No. 1 Mary Struck
Lot No. 2 Anna Godfrey
Lot No. 3 Kate Godfrey
Lots No. 4 & 5 Louisa Godfrey
Lots No. 6 & 10 Geo. Godfrey
Lots No. 7 & 9 John Godfrey

Surveyed April, 1870.

J. S. Goshorn, S. A. Co.

By W. H. Goshorn, Dept.

State of Indiana, Allen County, SS:

I, J. S. Goshorn, Surveyor of said County, do hereby certify that the above plat from the recorded field notes in my office of a survey and subdivision made by me of a part of the reserve of the three sections of land granted to John B. Richardville by and in the Treaty of St. Mary in 1818, situated on the West side of the Saint Marys River in said County, made for Archange Godfrey.

Witness my hand and seal, April ___, 1870.

(Official Seal)

J. S. Goshorn, S. A. Co.

By W. H. Goshorn, Dept.

21.

State of Indiana, Allen County, SS:

Be it remembered that on this day personally appeared before me, the subscriber, a Notary Public in and for said County, Archange Godfrey and James R. Godfrey, her husband, and declare that the land described in the above plat numbered one and ten and the inclusive numbers on the separate real estate of the said Archange and that by and with the consent of her husband, she caused the said survey to be made and dedicated as set out on said plat, a portion of the land as a public highway, and the said Archange and James R. Godfrey, being previously known to me, acknowledged that the said Archange had the said survey made as well as said dedication made at her instance and her own voluntary act and the said James voluntarily consented thereto.

In witness whereof, I hereto set my hand and affixed my seal this 8th day of May, 1870.

(Official Seal)

Daniel Ryan, Notary Public.
Allen County, Ind.

Recorded July 9, 1870.

Deed Record 52, pages 54-55.

Reference Deed

February 24, 1864. AUGUST H. CARRIER, GUARDIAN of Me-she-ke-no-quah, conveys to HENRY KOONS, his heirs and assigns forever, for \$2000.00, the following described real estate in Allen County, Indiana, to-wit:

Beginning at the most Western corner of the Bobean Reserve, Township 29 North, Range 12 East, in Allen County, Indiana; thence North $37\frac{1}{4}$ degrees West 49 chains and 70 links to a post; thence North $21\frac{3}{4}$ degrees East 23 chains and 47 links to a post in the North line of a tract of land set off to said Me-she-ke-no-quah, in the Richardville Reserve of three sections from which a thorn 6 inches in diameter bears North 53 degrees West 7 links distant; also a white oak 8 inches in diameter bears North 88 degrees East 35 links distant; thence South $37\frac{1}{4}$ degrees East 49 chains and 70 links to a post in the North line of said Bobean reserve from which a Burr oak 22 inches in diameter bears North 32 degrees West 12 links distant; thence along the North line of said Brubien reserve, south $21\frac{3}{4}$ degrees West 23 chains and 47 links to the place of beginning, containing 100 acres of land, part thereof lying and being in township 29 North, Range 12 East, and part thereof lying and being in Township 30 North, Range 12 East, and all in Allen County, Indiana.

Whereas, the said August H. Carrier was appointed and confirmed guardian of said Me-she-ke-no-quah, by the Allen Common Pleas Court at the October Term thereof in the year 1861, and

Ref.
22

Whereas said Carrier, as such guardian, filed in said court at the March term thereof in the year 1863, a petition praying an order of said court for the sale of a portion of the real estate belonging to said ward, and

Whereas, the court, in pursuance of the prayer of said petition at the said March Term, 1863, appointed Francis D. Lasselle and John M. Wilt, appraisers to appraise the real estate described in said petition, and Whereas, the said appraisers, having been duly qualified as such, appraised the said lands and part thereof at the sum of \$16.00 per acre, and a part thereof at \$22.00 per acre, which appraisement was returned into said court at the said

March Term, 1853, and approved and confirmed by the court, and

Whereas, the said Court of Common Pleas, at the said March Term, 1863, in pursuance of said petition and appraisalment, ordered said guardian to sell a portion of the land mentioned in said petition, to-wit: (Real Estate above described), which said sale was required by said order to be by Public Auction, after three weeks notice of the same and $\frac{1}{2}$ of the purchase money thereof payable cash in hand and $\frac{1}{2}$ in six months.

And Whereas, the said guardian, in pursuance of said order and decree of the court of the 27th day of April, 1863, after having given notice according to said order, sold the above described premises at public auction to said Henry Koons, for the sum of \$2000.00, he being the highest and best bidder for the same, and the said sum being more than the full appraised value of the said land, and

Whereas, the said sale was duly reported to the said Court by said guardian at the June Term thereof, 1863, and in all respects ratified and confirmed by said court, and

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Whereas, the said Henry Koons afterwards, to-wit: at the February Term thereof, 1864, filed in said court, a petition to which said guardian was made defendant in which it was alleged that in the petition, order of appraisalment, appraisalment, order of sale and report of sale hereinabove mentioned, the lands above described had been falsely and erroneously described, and asking that said mistakes and erroneous descriptions be corrected in all said proceedings and alleging also that at the time of the sale the said Me-she-ke-no-quah was married to Louisa Godfrey, then also a minor of the age of 16 years, and who had, by virtue of said marriage, an inchoate interest in said lands to the extent of $\frac{1}{3}$ in value thereof, of which facts said purchaser was made aware at the time of his said purchase, and praying that a proper portion of the purchase money of said land be rebated from the price of the said land on account of the said defect in the title to the same, and

Whereas, the said guardian and the said Me-she-ke-no-quah, having each duly entered their appearance to said petition and proceeding, and the court having appointed Wm. W. Carson, guardian ad litem of said Me-she-ke-no-quah, and the said guardian and the said Me-she-ke-no-quah, by his said guardian ad litem, having filed their answers to said petition, the same was submitted — the Court for trial, and said court having herd the proofs and allegations of the parties, found that all the facts set up in said petition were true and ordered and decreed that all said proceedings, entries and judgment should be corrected so as to describe truly the said lands as above, and that the sum of \$650.00 should be rebated from the price of said lands on account of said defect in the title to said lands, unless within four years from the date of said decree said Henry Koons should be relieved from said incumbrance and his title perfected, in which case said Koons was to pay said guardian or Me-she-ke-no-quah, if he should then be of the age of 21 years, said sum of \$650.00, and

Ref.
22

Whereas, it was further ordered by said court in said decree that the sale above mentioned should be approved and confirmed, and that upon the payment by said Koons to said guardian of the balance of said purchase money except the \$650.00 with interest, the said guardian should execute to said Koons a good and sufficient deed of conveyance in fee simple of said lands, and

Whereas, the said Koons has complied with all the terms of his said purchase and with the terms of said decree, and paid the balance of said purchase money with interest, except said sum of \$650.00 for which he has given his note payable upon the removal of said encumbrance.

August H. Carrier, Guardian
of Me-she-ke-no-quah

Acknowledged February 24, 1864 by August H. Carrier, Guardian of Me-she-ke-no-quah, before William Fleming, Clerk, Court of Common Pleas, Allen County, Indiana. (Official Seal)

Entered in Probate Order Book H, pages 448-450.

Also recorded May 14, 1864. Deed Record 35, page 94.

March 25, 1867. WILLIAM CASS (alias Mish-e-ca-no-quah) and LOUISA _ CASS, his wife, in consideration of \$5670.00, Grant, Bargain, Sell and Convey to WILLIAM FLEMING, his heirs and assigns, the following Real Estate in Allen County, Indiana, to-wit:

23

Commencing at a point on the bank of the St. Mary's River where the East line of the reserve of 3 sections of land which were granted to John B. Richardville in the treaty of St. Marys in the year 1818 intersects the same; thence southwardly along said East line to the South East corner of said reserve; thence along the Southern boundary of said reserve northwestwardly 49 chains and 25 links; thence North 25 degrees East along Southern boundary line of the line of Archange Godfrey to said river; thence up the said river with its meanders to the place of beginning, estimated to contain 320 Acres, more or less, except 100 acres off from the South West corner thereof heretofore sold by A. H. Carier, Guardian of said Mish e ca no quah to Henry Koons, dated Feby. 24, 1864, which deed is recorded in Probate Order Book "H", of the Court of Common Pleas of said county on pages 448, 449, 450, to which and for a more particular description of said 100 acres, so sold, reference is here made.

William Cass (Seal)

Louisa N. Cass (Seal)

Acknowledged March 25, 1867 by William Cass, (alias Mish-e-ca-no-quah) and Louisa Cass, his wife, before Walpole G. Colerick, Notary Public, Allen County, State of Indiana. (Notarial Seal)
Recorded March 26, 1867. Deed Record 43, page 179.

24

In re Estate

of 497

William Fleming

} Allen Circuit Court
}
} Letters and Settlement

January 22, 1890. Helen F. Fleming qualifies as Administratrix of the Estate of William Fleming, deceased, and letters issue to her.

Administrator's Bond Record 5, page 25.

Probate Order Book 4, page 426.

October 31, 1895. Administratrix files her Final Report.

Probate Order Book 11, page 251.

January 23, 1896. Administratrix files proof of publication and posting notices of filing of a Final Report herein on November 29, 1895, and of the day set for the hearing thereof, and the Court having examined said report, and no objections being raised thereto, and the adult heirs having filed their request, severally executed by them for the confirmation of said Report and allowance to said Administratrix for her services as asked in said Report, in these words:

We, the undersigned, heirs at law of William Fleming, deceased, respectfully inform you that we have fully examined the Final Report filed by the Administratrix of said Estate and are fully satisfied therewith; that we consider the services rendered by said Administratrix reasonably worth the sum asked therefor by her, and request that her said Final Report, as filed, be approved, and allowance be made to her for her services, as asked by her in said report.

Luke M. Fleming
Stephen B. Fleming
M. Celeste Fleming
Helen G. Trentman
Georgia Fleming McKinnie
Mary E. Willien
Catherine S. Dinnen
M. Josephine Fleming

24

the said report is approved.

And the Court finds that the said William Fleming died intestate on January 13, 1890, leaving surviving him as his only heirs at law, his widow, Helen F. Fleming and his 10 children, to-wit: Luke M. Fleming, Mary E. Willien, wife of Leon J. Willien, Catherine S. Dinnen, wife of James M. Dinnen, Helen G. Trentman, wife of Anthony B. Trentman, Georgia F. McKinnie, wife of William M. McKinnie, M. Celeste Fleming, Stephen B. Fleming, Mary Josephine Fleming, William Fleming and Sarah Fleming - -

It is, therefore, ordered, adjudged and decreed by the Court that said Final Report of said Administratrix be and the same is approved and confirmed - - and said Administratrix is ordered to make distribution of the personal estate among the heirs of said decedent.

Probate Order Book 11, page 411.

March 4, 1898. Administratrix files her Report of Distribution and the receipts of the several heirs at law of decedent therefor as follows:

24

We, the undersigned, heirs at law of William Fleming, deceased, each for himself or herself, hereby acknowledge having received from Helen F. Fleming, Administratrix of the Estate of William Fleming, the full distributive share due upon the distribution of the personal estate of said decedent. And each for himself or herself, say that he or she was personally present at and participated in such distribution and that each is entirely satisfied therewith, and asks the Court to confirm the report of said Administratrix of said distribution.

Fort Wayne, Indiana
January 24, 1898.

Luke M. Fleming
Mary E. Willien
Catherine S. Dinnen
Helen G. Trentman
M. Celeste Fleming
Stephen B. Fleming
Georgia Fleming McKinnie
M. Josephine Fleming
Helen F. Fleming
Helen F. Fleming, Guardian of
William and Sarah Fleming

which report of distribution is approved by the Court and said Administratrix discharged.

Probate Order Book 14, page 24.

Costs are paid. See Estate Fee Book 9, page 573.

In re Guardianship
of

Stephen B. Fleming
M. Josephine Fleming
William Fleming
Sarah Fleming

} Allen Circuit Court
}
}
}
}

December 3, 1890. Helen F. Fleming qualifies as Guardian
25 of said minors and letters issue to her.

Guardian's Bond Record 5, page 72.

Probate Order Book 5, page 443.

January 25, 1896. Said Guardian files Final Report as to
Mary Josephine Fleming and Stephen B. Fleming,

Guardian's Report shows that said Stephen B. Fleming arrived at the age of 21 years on November 20, 1891,

and Mary Josephine Fleming on March 24, 1894; that she has made full settlement with each of her said wards, and files their respective receipts herewith.

Verified.

Probate Order Book 11, page 416.

April 22, 1896. Final Report filed herein January 25, 1896 is now approved and said guardian is discharged.

Probate Order Book 12, page 15.

Received of my Guardian, Helen F. Fleming, full settlement and accounting for all and every item of estate that has come into her hands as my Guardian, and I ask that she be discharged by the Court as such Guardian accordingly.

Fort Wayne, Indiana
January 24, 1896.

M. Josephine Fleming
Stephen B. Fleming

On File with Papers in Box 310.

October 19, 1900. Guardian files Final Report as to

William Fleming and Sarah Fleming:

25

Report shows that said William Fleming arrived at the age of 21 years on December 18, 1897, and said Sarah Fleming on September 17, 1899; that she has made full settlement with said wards.

Verified.

Receipt

Received of my Guardian, Helen F. Fleming, full settlement and accounting for all and every item of estate that has come into her hands as my Guardian, and I ask that she be discharged by the Court as such Guardian.

Fort Wayne, Indiana
October 18, 1900.

William Fleming
Sarah Fleming

- - which report is approved and said Guardian discharged.

Probate Order Book 18, page 146.

Papers on file in Box 310.

Costs are paid. See Guardians Fee Book 7, page 288.

State of Indiana, Allen County, SS:

26 Stephen B. Fleming, being duly sworn upon his oath, says that he is over the age of 21 years, and is a resident of the City of Fort Wayne, Allen County, Indiana.

That he is the son of William Fleming and Helen F. Fleming.

That his father, the said William Fleming, died intestate on the 13th day of January, 1890, leaving surviving him as his sole and only heirs at law, his widow, Helen F. Fleming, this affiant's mother, and the following named children, to-wit: Luke M. Fleming, Mary A. Willien, Catharine S. Dinnen, Helen G. Trentman, Georgia F. McKinnie, M. Celeste Fleming, Mary Josephine Fleming, William Fleming, Sarah Fleming, and this affiant, Stephen B. Fleming.

Affiant says that on October 31, 1895, his mother, Helen F. Fleming filed her final report as administratrix of the estate of said William Fleming, deceased, this affiant's father, as appears in Probate Order Book 11, page 251 of the records of the Allen Circuit Court of Allen County, Indiana. That this final report was approved by said Court on January 23, 1896, as appears in Probate Order Book 11, page 411 of the Order Books of said Court.

26 Affiant further says that on March 31, 1898, Helen F. Fleming, Luke M. Fleming, M. Celeste Fleming, Mary Josephine Fleming, William Fleming, Sarah Fleming, and this affiant, Stephen B. Fleming, all of whom were named as grantors in a certain deed executed on said date, were each over the age of 21 years and unmarried, which said deed is recorded in Deed Book 150, page 303 of the Deed Records in the Recorder's Office of Allen County, Indiana.

Stephen B. Fleming

Subscribed and sworn to before me, this 24th day of September, 1912.

(Notary Seal)

Nellie L. Cody
Notary Public

Recorded October 4, 1912.

Miscellaneous Record 41, page 28.

Helen F. Fleming

Allen Circuit Court

vs.

Action to Quiet Title for
Partition

Luke M. Fleming
Mary E. Willien
Catherine S. Dinnen
Helen G. Trentman
Georgia F. McKinnie
M. Celeste Fleming
Stephen B. Fleming
Mary Josephine Fleming
William Fleming
Sarah Fleming -

Appointment of Commissioners
to Discharge Liens

Abstracter's Note: Names of other defendants in caption of Complaint, whose interest, according to allegations of Complaint, appear against or in Real Estate not in this Abstract; and such part of the Complaint and proceeding relating to such defendants and real estate not in this Abstract - - to quiet title and for appointment of Commissioners to discharge liens, omitted herein.

Be it remembered that on the 3 day of October, 1894, said plaintiff filed in the office of the Clerk of said court, his complaint in said cause, in these words:

- - The Plaintiff says that on the ___ day of ___, 189_, William Fleming died seized in fee simple of the following described property in Marshall and Allen Counties, in the State of Indiana, to-wit: - - Including - -

That part of the Beaubien Reserve described as follows: Commencing at the North corner of said Beaubien Reserve on the St. Mary's River; thence South 25 degrees West along the North West line of said reserve 63 chains and 75 links; thence South 38 degrees East 28 chains and 86 links; thence North 16 degrees East 77 chains and 2 links to the St. Mary's River; thence with the meanderings of said river to the place of beginning, containing 145.50 acres.

That part of the Richardville Reserve described as follows: Commencing at a point on the Bank of the St. Mary's River where the East line of the reserve of the three sections of land which was granted to John B. Richardville by the treaty of the St. Mary's in 1818 intersects the same; thence Southwesterly along said East line to the South East corner of said reserve; thence along the Southern boundary of said reserve Northwesterly 49 chains and 25 links; thence North 25 degrees East along the Southern boundary of the land of Archange Godfroy to said river; thence up said river with its meanderings to the place of beginning, estimated to contain 320 acres, except 100 acres off from the South West corner thereof sold by A. H. Carrier, guardian of Mish-e-ca-no-quah to Henry Koons, by deed dated February 24, 1864, which deed is recorded in Probate Order Book H, of the Court of Common Pleas of said County, on pages 448, 449-450, to which and for a more particular description of said 100 acres so sold, reference is hereby made,

of which real estate plaintiff is the owner of the undivided one third in fee simple of said real estate as the heir and widow of said William Fleming and Luke M. Fleming, Mary E. Willien, Catherine S. Dinnen, Helen G. Trentman, Georgia F. McKinnie, M.

Celeste Fleming, Stephen B. Fleming, Mary Josephine Fleming, William Fleming and Sarah Fleming are each the owners of the undivided 1/10th of the residue in fee simple as tenants in common, as the children and heirs of said William Fleming, deceased; that said William Fleming and Sarah Fleming are each minors under the age of 21 years. - -

And plaintiff avers that by reason of the premises, - - partition should be awarded her of her interest in and to all the above described real estate - - that her interest in and to said land may be set apart to her and commissioners appointed for that purpose, and for all such other order and relief as to the Court may in the premises seem just and equitable.

Morris, Bell, Barrett & Morris,
Attorneys for Plaintiff.

Endorsed on back of Complaint appears the following: Clerk will please issue summons to Sheriff of Allen County, returnable November 26, 1894, for - - William Fleming and Sarah Fleming -

Filed October 3, 1894.

On File with Papers in Box 702.

Helen F. Fleming

vs.

Luke Fleming, et al

} Allen Circuit Court
}
}

October 3, 1894. Comes now said plaintiff and shows to the Court by an affidavit filed in these words (HI), that said defendants, William R. Nelson and others not having any interest in real estate in abstract.

28

Wherefore, it is ordered that due notice of the filing and pending of this action be given said non resident defendants by publication for three successive weeks thirty days prior to the 10" day of December, 1894, in some weekly newspaper of general circulation, printed and published in Allen County, Indiana.

Circuit Order Book 30, pages 87 & 137.

Helen F. Fleming

vs.

Luke M. Fleming, et al

} Allen Circuit Court
}
}

29

Summons

State of Indiana, Allen County, SS:
State of Indiana, to the Sheriff of Allen County, Greeting:

You are hereby commanded to summon - - William Fleming, Sarah Fleming - - (impleaded with others) to personally be and appear before the Judge of the Allen Circuit Court, on the 26th day of November, 1894, at the Court House, in the City of Fort Wayne, in said county, to answer to the complaint of Helen F. Fleming, to quiet title for partition &c. and of this summons make due return.

29

Witness, Daniel W. Souder, Clerk of said Court, and the seal thereof, this 3rd day of October, 1894.

(Seal)

Daniel W. Souder, Clerk

I served this writ by - - leaving a true copy of this writ at the last and usual place of residence of William Fleming and Sarah Fleming - - this 11th day of October, 1894.

E. F. Clausmeier, Sheriff

By P. J. Wise, Deputy

On File with Papers in Box 702.

Helen F. Fleming

va.

Luke M. Fleming, et al

} Allen Circuit Court
}
}

Answer of Guardian ad Litem

30

Comea now William P. Breen, Guardian ad litem for William Fleming and Sarah Fleming, and for answer in their behalf and on behalf of each of them denies each and every allegation therein.

William P. Breen,
Guardian ad litem

Filed December 19, 1894.

On File with Papers in Box 702.

Helen F. Fleming

vs.

Luke M. Fleming, et al

} Allen Circuit Court
}
}

31

Undersigned, defendants herein, each appear to this action waiving the issuance and service of process on us and each of us and for answer herein admit the allegations of the complaint, and consent that partition be decreed as prayed.

Luke M. Fleming
M. Josephine Fleming

Mrs. L. J. Willien
Mrs. M. E. Willien
Helen G. Trentman
Stephen B. Fleming
M. Celeste Fleming
Georgia Fleming McKinnie
Catherine S. Dinnen

Filed December 19, 1894.

On File with Papers in Box 702.

Helen F. Fleming

vs.

Luke M. Fleming
Mary E. Willien
Catherine S. Dinnen
Helen G. Trentman
Georgia F. McKinnie
M. Celeste Fleming
Stephen B. Fleming
Mary Josephine Fleming
William Fleming
Sarah Fleming

} Allen Circuit Court

32

December 26, 1894. Comes now the plaintiff by her Attorneys, and it appearing to the satisfaction of the Court by the Sheriff's Return to the summons issued in this cause, which summons and the return of the Sheriff thereon endorsed are in these words (HI), that - - William Fleming, Sarah Fleming - - have each been duly served with summons to appear herein on November 26, 1894, as required by the endorsement of the ___ on her complaint, - - and each of the aforesaid defendants so served as aforesaid, by summons and publication, failing to appear and answer the complaint, each is now 3 times audibly called and come not but herein wholly make default, and now said defendants, Luke M. Fleming, M. Josephine Fleming, Mary E. Willien, Helen G. Trentman, Stephen B. Fleming, M. Celeste Fleming, Georgia F. McKinnie and Catherine S. Dinnen file their answer severally subscribed by them and which is in these words and figures following (HI)- - and it appearing to the satisfaction of the Court that Sarah Fleming and William Fleming are each minors under the age of 21 years, William P. Breen is appointed their Guardian ad litem to appear on their behalf, file answer herein and defend this cause, and said Breen, being duly sworn

Guardian files answer as such in denial of the allegations of the complaint, which is in these words (HI), and this cause now being at issue on plaintiff's motion, the same is submitted to the court for trial without the intervention of a jury, and the Court having heard the evidence and being fully advised in the premises doth say and find for the plaintiff that the allegations of the complaint are true, and that she is entitled to a judgment and decree herein for partition, quieting of title, cancellation of liens, appointment of a commissioner therefore as prayed in her complaint. And the Court further finds that William Fleming died intestate on January 13, 1890, seized in fee simple of each and all of the parcels of land described in plaintiff's complaint, leaving surviving him as his only heirs at law entitled to the same his widow, Helen F. Fleming, the plaintiff, and the defendants, his children, viz: Luke M. Fleming, Mary E. Willien, Catherine S. Dinnen, Helen G. Trentman, Georg__ F. McKinnie, M. Celeste Fleming, Stephen B. Fleming, Mary Josephine Fleming, William Fleming and Sarah Fleming. And the Court finds that of the property described in the Complaint, the plaintiff is the owner in fee simple of the undivided 1/3 thereof, and the defendants, Luke M. Fleming, Mary E. Willien, Catherine S. Dinnen, Helen G. Trentman, Georgia F. McKinnie, Mary Josephine Fleming, William Fleming, Sarah Fleming, M. Celeste Fleming and Stephen B. Fleming are each the owners of the undivided 1/10th of the residue thereof in fee simple, as tenants in common - -

It is, therefore, ordered, adjudged and decreed by the Court that the said real estate described in the complaint, situate in Allen County, Indiana, to-wit: - - Including - -

That part of the Beaubien Reserve described as follows, commencing at the North corner of said Beaubien Reserve on the St. Mary's river; thence South 25 degrees West along the North West line of said reserve 63 chains and 75 links; thence South 38 degrees East 28 chains and 86 links; thence North 16 degrees East 77 chains and 2 links to the St. Mary's river; thence with the meanderings of said river to the place of beginning, containing 145.50 acres.

That part of the Richardville Reserve described as follows: Commencing at a point on the bank of the St. Mary's River where the East line of the reserve of the three sections of land which was granted to John B. Richardville by the treaty of the St. Mary's in 1818 intersects the same; thence Southwesterly along said East line to the South East corner of said reserve; thence along the Southern Boundary of said reserve Northwesterly 49 chains and 25 links; thence North 25 degrees East along the Southern Boundary of the land of Archange Godfroy, to said river; thence up said river with its meanderings to the place of beginning, estimated to contain 320 acres, except 100 acres off from the South West corner thereof sold by A. H. Carrier, guardian of Mish-e-ca-no-quah to Henry Koons, by deed dated February 24, 1864, which deed is recorded in Probate Order Book H of the Court of Common Pleas of said County, on pages 448-449-450, to which and for a more particular description of said 100 acres so sold, reference is made,

be partitioned among the parties according to their respective interests as above found, and to that end it is adjudged and decreed that John H. Bass, George H. Wilson and George D. Crane be and they are hereby appointed Commissioners to make partition of said real estate in accordance with this decree, and that they make report of their proceedings herein.

32 It is further adjudged and decreed that Helen F. Fleming, the plaintiff, and the children, Luke M. Fleming, Mary E. Wil-
lien, Catherine S. Dinnen, Helen G. Trentman, Georgia F. McKinnie, M. Celeste Fleming, Stephen B. Fleming, Mary Josephine Fleming, William Fleming and Sarah Fleming are now and were at and before the commencement of the action, the owners in fee simple as tenants in common, in the proportions above found, of the real estate described in the complaint and as hereinbefore described and that the defendants in this cause, except the said children of the said William Fleming, deceased, at and prior to the bringing of this suit had no right, title, interest or claim in the real estate described in plaintiff's complaint and hereinbefore set out in this decree and plaintiff and said defendants, the children of said William Fleming, deceased, are entitled to have their title to said property quieted as against said defendants and each of them and the same is hereby quieted as against the claims of said

defendants and each of them. - -

Circuit Order Book 30, page 254

Helen F. Fleming

vs.

Luke M. Fleming, et al

} Allen Circuit Court
}
}

April 2, 1895. Come now said Commissioners and in pursuance of an order of this Court in this cause, on December 26, 1894, by which the undersigned were appointed Commissioners and directed to make partition of the real estate described in the complaint herein, do report that pursuant to the warrant issued herein, in these words (HI), we have made partition thereof and file in open Court report of partition as follows:

Report of Partition

In pursuance of an order of this court, made in the above entitled cause, on the 26th day of December, 1894, by which the undersigned were appointed Commissioners and directed to make partition of the lands in said order described, we, the said Commissioners, do respectfully report that, pursuant to the annexed warrant, we have made partition thereof as follows, to-wit:

33 To the plaintiff, Helen F. Fleming, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - subject however to the payment by the said Helen F. Fleming of the sum of \$1000.00 to each of the defendants, Luke M. Fleming, Mary E. Willien, Catharine S. Dinnen, Helen G. Trentman, Georgia F. McKinnie, M. Celeste Fleming, Stephen B. Fleming, Mary Josephine Fleming, Sarah Fleming and William Fleming.

To the defendant, Luke M. Fleming, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Including - -

The North part of the Richardville Reserve described as follows: Commencing at a point on the bank of the St. Mary's river where the east line of the Reserve of three sections of land which were granted to John B. Richardville by the treaty of St. Mary's in 1818 intersects the same; thence Southwesterly along said East line to the South East corner of said Reserve; thence along the Southern boundary of said Reserve Northwesterly 49 chains and 25 links; thence North 25 degrees East along the Southern boundary of the land of Archange Godfrey to said river; thence up said river with its meanders to the place of beginning, estimated to contain 320 acres, except 100 acres from the South West corner thereof sold by A. H. Carrier, Guardian of Mish-e-ca-no-quah

to Henry Koons by deed dated February 24, 1864, which deed is recorded in Probate Order Book "H", of the Court of Common Pleas of said County, on pages 448-449-450, to which and for a more particular description of said 100 acres so sold, reference is made.

And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Luke M. Fleming.

To the defendant, Mary E. Willien, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Including - -

That part of the Beaubien Reserve described as follows: Commencing at the North corner of said Beaubien Reserve on the St. Mary's River; thence South 25 degrees West along the North West line of said Reserve 63 chains and 75 links; thence South 38 degrees East 28 chains and 36 links; thence North 16 degrees East 77 chains and 2 links to the St. Mary's river; thence with meanderings of said river to the place of beginning, containing 145.50 acres, more or less.

And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Mary E. Willien.

To the defendant, Catharine S. Dinnen, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - - and the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Catharine S. Dinnen.

33 To the defendant, Helen G. Trentman, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - - And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Helen G. Trentman.

To the defendant, Georgia F. McKinnie, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - - And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Georgia F. McKinnie.

To the defendant, M. Celeste Fleming, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - - And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said M. Celeste Fleming.

To the defendant, Stephen B. Fleming, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - - And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Stephen B. Fleming.

To the defendant, Mary Josephine Fleming, we have assigned and set apart the following described parcels of said lands, situate in Allen County, Indiana, to-wit: - - Real Estate not in Abstract - - And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming to said Mary Josephine Fleming.

To the defendant, William Fleming, we have assigned and set apart the following described parcels of said lands, situate in

Allen County, Indiana, to-wit: - - Real Estate not in Abstract - -
And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming
to said William Fleming.

To the defendant, Sarah Fleming, we have assigned and set
apart the following described parcels of said lands, situate in
Allen County, Indiana, to-wit: - - Real Estate not in Abstract - -
And the sum of \$1000 to be paid by the plaintiff, Helen F. Fleming
to said Sarah Fleming.

Respectfully submitted,

John H. Bass
Geo. H. Wilson
Geo. D. Crane
Commissioners

State of Indiana, Allen County, SS:

John H. Bass, George H. Wilson and George D. Crane, on their
several and separate oaths say, that they severally made and sub-
scribed the above and foregoing report in partition in the cause
wherein Helen F. Fleming is plaintiff and Luke M. Fleming, et al
are defendants, and that the same is the several act of the under-
signed, and therefore they severally acknowledge said report as
their several act and deed.

John H. Bass (Seal)
Geo. D. Crane (Seal)
Geo. H. Wilson (Seal)

Acknowledged, subscribed and sworn to before me, this 22nd
day of March, 1895.

(Notary Seal) J. B. Fonner
Notary Public

33

It is, therefore, considered, adjudged and decreed by the
Court that the report of said Commissioners be and the same is
hereby confirmed and that the partition made thereby be and the
same is hereby made firm and effectual forever, and that the
parties to whom said real estate is set off hereafter hold, own
and occupy their several portions in severalty in fee simple and
their several titles thereto as against each and all the defend-
ants - claiming or asserting their title thereto or interest
therein, be and the same are forever quieted and each and all of
said defendants are and they are hereby forever barred from
claiming any interest therein or title thereto.

Circuit Order Book 30, pages 469-478.

Transcript of Proceedings is entered

Circuit Partition Record 6, pages 398-480.

Costs are paid - See Circuit Fee Book 31, page 60.

Certified copy of Report of Partition is

Recorded April 9, 1895.

Deed Record 138, pagea 77-87.

July 9, 1897. LUKE M. FLEMING (bachelor) of Cook County, Illinois, in consideration of \$1.00, grant, bargain, sell and convey to STEPHEN B. FLEMING, his heirs and assigns, the following described Real Estate in Allen County, Indiana, to-wit: - - With other Real Estate - -

34

All that part of the Richardville Reserve, described as follows: Commencing at a point on the bank of the St. Mary's River where the East line of the Reserve of three sections of land were granted to John B. Richardville in the treaty of St. Marys in 1818 intersects the same; thence Southwardly along said East line to the South East corner of said Reserve; thence along the Southern boundary of said Reserve Northwestery 49 chains and 25 links; thence North 25 degrees East along the Southern boundary of the land formerly owned by Archange Godfrey to said river; thence up the river with its meanders to the place of beginning, estimated to contain 320 acres, excepting 100 acres off from the South West corner thereof, sold by A. H. Carrier, guardian of Mish-e-ca-no-quah to Henry Koons by deed dated Feby. 24, 1864, which deed is recorded in Probate Order Book "H" of the Court of Common Pleas of Allen County, on pages 448-449 and 450, to which and for a more particular description of said 100 acres so sold reference is hereby made.

Grantor will warrant and defend the same against all claims, except all taxes and assessments for the year 1897.

Luke M. Fleming (Seal)

Acknowledged July 9, 1897 by Luke M. Fleming, a bachelor, before Philip Sattler, Notary Public, Cook County, State of Illinois.

(Notary Seal)

Clerk's Certificate of Magistracy, dated July 9, 1897, attached.

Recorded July 12, 1897.

Deed Record 147, page 178.

35

April 4, 1898. STEPHEN B. FLEMING, _____, in consideration of \$1.00, grant, bargain, sell and convey to M. INEZ FLEMING, the following described real estate in Allen County, Indiana, to-wit:

Commencing at a point on the bank of the St. Mary's river where the East line of the Reserve of three sections of land which was granted to John B. Richardville in the treaty of St. Marys in 1818, intersecta the same; thence Southwardly along said East line to the South East corner of said Reserve; thence along the Southern boundary of said Reserve Northwestwardly 49 chains and 25 links; thence North 25 degrees East along the Southern boundary of the land of Archange Godfroy to said River; thence up said river with its meanders to the place of beginning, estimated to contain 320 acres, except 100 acres off from the South West corner thereof, sold by A. H. Carrier, guardian of Mish-e-ca-no-quah to Henry Koons by deed dated Feby. 24, 1864, which deed is recorded in Probate Order Book "H" of the Court of Common Pleas of said county, on pages 448-449 and 450, to which and for a more particular description of said 100 acres so sold, reference is made.

Grantor will warrant and defend the same against all claims.

Stephen B. Fleming (Seal)

Acknowledged April 4, 1898 by Stephen B. Fleming, the grantor, before Geo. D. Crane, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded April 4, 1898. Deed Record 150, page 149.

August 11, 1902. STEPHEN B. FLEMING AND M. INEZ FLEMING, his wife, in consideration of \$6630.00, grant, bargain, sell and convey to SIMON J. STRAUS, IKE STRAUS AND ABE GOLDSMITH, of Noble County, Indiana, the following described real estate in Allen County, Indiana, to-wit:

Commencing on the West side of the St. Marys river at the East corner of the Richardville Reserve; thence running south westerly following the South East line of said reserve, 40 chains and 28 links to a stone corner (being the east corner of a 100 acre tract sold off of the south west side of the south east half of the south east section of said Reserve;) thence Northwesterly 49 chains and 90 links to a stone corner (being the North corner of the above described 100 acre tract); thence North 24 1/2 degrees East 63 chains and 44 links to a stone corner on the St. Mary's river; thence up said river with its meanderings to the place of beginning, all in township 29 and 30, range 12 east, Allen County, Indiana, containing 221 18/100 acres of land, being the same real estate set apart to Luke M. Fleming by commissioners in the partition suit of Helen F. Fleming, vs. Luke M. Fleming, et al, as appears in Circuit Court Order Book 30, page 469-478 in the Circuit Court of Allen County, Indiana.

Grantors will warrant and defend the same against all claims. Except one half of the taxes of 1902, which said grantees assume and agree to pay.

M. Inez Fleming (Seal)

Stephen B. Fleming (Seal)

Acknowledged August 11, 1902 by Stephen B. Fleming and M. Inez Fleming, his wife, before D. D. Wickliff_, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded September 4, 1902. Deed Record 169, page 193.

November 28, 1902. STEPHEN B. FLEMING AND M. INEZ FLEMING, his wife, in consideration of \$1.00 and other valuable considerations, grant, bargain, sell and quit claim to SIMON J. STRAUS, IKE STRAUS AND ABE GOLDSMITH, their heirs and assigns, the following real estate in Allen County, Indiana, and described as follows, to-wit:

37 All our right, title and interest in and to any and all land lying and being between the land herein-after described and the middle of the St. Marys River, said real estate being described as follows: Commencing on the West side of the St. Marys River at the East corner of the Richardville Reserve; thence running South Westerly following the South East line of said Reserve 40 chains and 28 links to a stone corner (being the East corner of a 100 acre tract sold off of the South West side of the South East half of the South East section of said Reserve) thence North Westerly 49 chains and 90 links to a stone corner (being the North corner of the above described 100 acre tract); thence North 24⁴⁰ East 63 chains and 44 links to a stone corner on the St. Marys River; thence up said River with its meanderings to the place of beginning, all in Township 29 and 30 North, Range 12 East, in Allen County, Indiana, containing 221.18 acres of land, being the same real estate set apart to Luke M. Fleming by Commissioners, in the partition suit of Helen F. Fleming vs. Luke M. Fleming, et al, as appears in Circuit Order Book 30, page 469-478 in the Circuit Court of Allen County, Indiana.

Stephen B. Fleming (Seal)

M. Inez Fleming (Seal)

Acknowledged April 2, 1903 by Stephen B. Fleming, one of the grantors herein and husband of said M. Inez Fleming, before

D. D. Wickliffe, Notary Public, Allen County, State of Indiana.

(Notary Seal)

Acknowledged November 28, 1902 by M. Inez Fleming, his wife,
before C. W. Fry, Notary Public, Garland County, State of
Arkansas. (Notary Seal)

Recorded April 6, 1903. Deed Record 172, page 455.

Abstracter's Note: The following deed is included for reference purposes. The description therein, in some cases, became merged with the description of land in Richardville Reserve, as shown in foregoing Abstract. No part of the caption Real Estate lies within the tract of land in Beaubien Reserve described in the following deed.

August 11, 1902. MARY E. WILLIEN AND LEON J. WILLIEN, her husband, in consideration of \$4,380.00, convey and warrant to SIMON J. STRAUS, IKE STRAUS AND ABE GOLDSMITH, the following described real estate in Allen County, Indiana, to-wit:

Commencing on the West side of Saint Mary's river at the North corner of Beaubien Reserve; thence running Southwesterly 63 chains and 94 links to the West corner of said reserve; thence Southeasterly along the Southwest line of said reserve 29 chains and 64 links to a stone corner; thence North $18\frac{1}{2}$ degrees East 77 chains and 98 links to a stone corner on the St. Marys river; thence down said river with its meanderings to the place of beginning all in Township 29 and 30 North, Range 12 East, containing 146 acres of land, being the same real estate set apart to said Mary E. Willien by commissions in the partition suit of Helen F. Fleming against Luke M. Fleming, et al, as appears in Circuit Order Book 30, page 469-478 in the Circuit Court of Allen County, Indiana.

Recorded September 4, 1902. Deed Record 169, page 195.

February 23, 1903. SIMON J. STRAUS AND ROSE W. STRAUS, his wife; ABE GOLDSMITH AND THERE'SA GOLDSMITH, his wife; IKE STRAUS AND IRMA STRAUS, his wife, of Noble County, Indiana, convey and warrant to JOHN B. ROSS AND LUCY E. ROSS, of White County, Indiana, for \$16,425.00, the following Real Estate in Allen County, Indiana, to-wit:

Commencing at a point on the St. Marys River where the East line of the Reserve of 3 Sections of land which were granted to John B. Richardville by the treaty of St. Marys in 1818 intersects the same; thence Southwesterly along said East line 40 chains and 28 links to a stone corner which marks the east corder of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me-she-ha-no-quah to Henry Koons, by deed recorded in deed records of Allen County, Indiana, in Book 35, page 94 thereof; thence Northwesterly along the line of said 100 acre tract 49 chains and 90 links to a stone corner which is the most Northerly corner of said 100 acre tract; thence North 25° East along the Southern boundary of land formerly owned by Archange Godfrey to said St. Marys River; thence up said River following the meanderings thereof to the place of beginning, containing 221 18/100 acres of land, located in Township 29 and 30 North, Range 12 East; Also commencing on the St. Marys River at the North corner of a Section of land granted to Josetta Beaubien by treaty of St. Marys in the State of Ohio in 1818, which Section is commonly called the Bobein, Beubien or Beaubien Reserve, running thence South 25° West along the North West line of said Reserve 63 chains and 75 links to the North West corner of said Reserve; thence South 38° East 28 chains and 36 links; thence North 16° East 77 chains and 2 links to said St. Marys River; thence with the meanderings of said river to the place of beginning, containing 146 acres, located in Townships 29 and 30 North, Range 12 East.

39

The tenants interest in the present growing wheat is hereby reserved.

Simon J. Straus (Seal)	Theresa Goldsmith (Seal)
Rose N. Straus (Seal)	Ike Straus (Seal)
Abe Goldsmith (Seal)	Irma Straus (Seal)

Acknowledged February 23, 1902 by Simon J. Straus and Rose N. Straus, his wife; Abe Goldsmith and Theresa Goldsmith, his wife; Ike Straus and Irma Straus, his wife, before William H. Wigton, Notary Public, Noble County, State of Indiana. (Notary Seal)

Recorded April 15, 1902. Deed Record 174, page 21.

Agreement

This agreement entered into this 5th day of March, 1915, by and between John B. Rose, of Ft. Wayne, Ind. and R. S. Lemon, of St. Louis, Mo.

40

Witnesseth, That for and in consideration of the sum of \$1.00

in hand paid by said Lemon to Ross, the receipt of which is hereby acknowledged, said Ross hereby agrees to convey to said Lemon a one fifth undivided interest in and to the 222 acre farm now owned by Ross and located in

Richardville reserve, in the southern part of Wayne Township, on the Township line dividing Townships 29 and 30 North of Range 12 _ in Allen County, Indiana.

Said Ross also hereby appoints said Lemon exclusive agent for the sale of said land, to be sold at a price of not less than \$165.00 per acre, on whatever terms of payment may be arranged between Lemon and the purchaser or purchasers of the land, and upon receipt of notice of sale of the land said Ross hereby agrees to convey, by good and sufficient warranty deed forthwith, his four fifths interest in and to the land, to the purchaser or purchasers named by Lemon.

It is further agreed that said Lemon may sell the land at his option, at any other price and on any terms, provided that a sufficient amount be realized for the interest of said Ross in the land to equal \$21,120.00. It is also understood and agreed that
40 said Lemon shall retain all and any proceeds derived from the sale of the land and apply the same on the payment on the following notes given to the Missouri-Texas Land and Irrigation Company, in connection with the purchase of 640 acres of land, in Hidalgo County, Texas;

Note of \$5280.00 due March 1, 1916; Note of \$5280.00 due March 1, 1917; Note of \$5280.00 due March 1, 1918; Note of \$5280.00 due March 1, 1919.

All proceeds which shall be derived from the sale of the Indiana land, in excess of an amount of \$21,120.00 shall be retained by said Lemon as compensation in full for the sale of the land.

Said Ross hereby appoints said Lemon exclusive agent for the sale of the 145 acre farm immediately south of and adjoining the 222 acre farm in Township 30 (Pleasant Township) at the same

prices and under the same terms and conditions as in the case of the 222 acre farm, and in the event of the sale of the 145 acre farm prior to the 222 acre farm, the proceeds of the sale shall be retained by said Lemon and shall be applied to whatever extent realized, toward the payment of the outstanding notes given the Missouri-Texas Land and Irrigation Company in connection with the purchase of land in Hidalgo County, Texas.

Witnesseth our hands and seals on the day and date first above written.

John B. Ross

(Stamp 10¢)

R. S. Lemon

Acknowledged _____ by John B. Ross and R. S. Lemon, before Nina A. Hylton, Notary Public, Benton County, State of Indiana. (Notary Seal)

Recorded March 11, 1915. Miscellaneous Record 44, pages 332-333. On Margin: By order of the Allen Superior Court of Allen Co., Ind., I hereby cancel and release this contract and agreement between John B. Ross and R. S. Lemon, said order being entered by said court this 8th day of August, 1916, in the cause of John B. Ross and Lucy E. Ross vs. R. S. Lemon.

John C. Capron, Commissioner appointed by Superior Court of Allen County.

Attest: August 8, 1916. Allen Hursh, Recorder, Allen County, Ind.

John B. Ross and
Lucy E. Ross

vs. 16623

R. S. Lemon

} Superior Court of Allen County

} Suit to Cancel Contract

Comes now John B. Ross and Lucy E. Ross, wife of said John B. Ross, plaintiffs herein, and complaining of the defendant, R. S. Lemon, state to the Court,

That said John B. Ross and Lucy E. Ross, plaintiffs, are husband and wife. That they own, in the County of Allen, State of Indiana, certain farm lands, being 221.18 acres situate in the John B. Richardville Reservation, in Townships 29 and 30 North, Range 12 East, also the farm adjoining on the south, being 121

acres in the Bueabien Reserve, in Township 29 North, Range 12 East. That said lands are held by these plaintiffs as tenants by entireties. That the defendant herein claims to hold an interest in and to said lands by reason of a certain contract of sale signed by said John B. Ross and said R. S. Lemon, dated March 5th, 1915, and recorded in the Records of Allen County, Indiana, in Miscellaneous Record 44, page 332, on the 10th day of March, 1915.

They further state that the said Lucy E. Ross never signed said instrument.

They further state that there was no consideration given to the said John B. Ross for said contract.

That said contract is absolutely null and void as against the title of said plaintiffs by reason of not having been signed by said Lucy E. Ross, but that the same is a cloud upon the title to the land above described, and hinders them in the full and free enjoyment of said lands.

That said R. S. Lemon is a non-resident of the State of Indiana, and is believed to be residing in the State of Montana.

Wherefore, the plaintiffs pray that said contract be declared null and void as to said plaintiffs and as to said lands, and that a commissioner be appointed with power and with the direction and order to cancel and release said contract by endorsement on the proper records of Allen County, Indiana, viz: by writing said release and cancellation upon the face of the recorded contract in Miscellaneous Record No. 44, at page 332 and 333 of the records of Allen County, Indiana. And for all other and proper relief.

41

John C. Capron,
Attorney for Plaintiffs.

Filed June 15, 1916.

Affidavit of Non-residence

Comes now John C. Capron, who being duly sworn upon his oath, states that he is a resident of Allen County, Indiana. That he is in no wise interested in the suit of John B. Ross and Lucy E. Ross vs. R. S. Lemon, now pending in the Superior Court of Allen County, Indiana.

That he knows that the said defendant, R. S. Lemon is not a resident of the State of Indiana, but is informed and believes that said R. S. Lemon is a resident of the State of Montana, and has so resided for over a year last past.

That said John B. Ross and Lucy E. Ross are owners as tenants by entireties of 221.18 acres of land in the John B. Rich-ardville Reserve, Township 30 and 29 N., Range 12 East, in Allen County, Indiana, also 121 acres in the Beaubien Reserve, in township 29 N., Range 12 East, in said County, and said defendant, R. S. Lemon is making a claim of interest in and to said lands which plaintiffs ask to have cancelled and set aside by reason of a certain contract recorded in Miscellaneous Record 44, page 332 and 333 of the Records office of Allen County, Indiana, and service by publication only can be obtained on said defendant.

John C. Capron

Subscribed and sworn to before me, this ___ day of June, 1916.

David C. Stout, Clerk,
Allen Superior Court.

Filed June 15, 1916.

With Papers in Box 2282.

June 15, 1916. Comes now the plaintiff herein and files complaint, also affidavit as to the non-residence of the defendant herein in these words (HI), also asking for order of publication of notice to said defendant herein. Publication of notice is now ordered as to the said defendant in the New Haven Tribune, returnable on August 7th, 1916.

Superior Order Book 30, page 62.

Notice

It appearing to the satisfaction of said Court, by the affidavit of a disinterested person, that the following named defendant, R. S. Lemon is a non-resident of the State of Indiana, and that a cause of action exists against said defendant in favor of said plaintiff for a suit to cancel contract for sale of 221.18 acres of land in John B. Richardville Reserve, and 121 acres in the Beaubien Reserve, all in Townships 29 and 30 North, Range 12 East, in Allen County, Indiana.

41 Notice is therefore by order of said Court hereby given said non-resident defendant of the filing and pendency of said complaint, and that unless he appears before the Judge of said Court on the 7th day of August, 1916, and answers or demurs thereto, the same will be heard and determined in his absence.

(Seal)

David C. Stout, Clerk

Proof of Publication

State of Indiana, Allen County, SS:
In the City of New Haven, Indiana

Personally appeared before the undersigned, W. E. Bowers, who, being duly sworn according to law, saith that he is the Editor of The New Haven Tribune, a Weekly newspaper of general circulation, printed and published in the said County and State, and that the notice herewith attached was published in the said New Haven Tribune in the weekly edition, for three times successively, the first publication being on the 16th day of June, 1916; the second on the 23rd day of June, 1916, and the third on the 30th day of June, 1916.

W. E. Bowers

Subscribed and sworn to before me, this 8th day of August, 1916.

(Notary Seal)

John C. Capron
Notary Public

With Papers in Box 2282.

August 8, 1916. Comes now the plaintiffs herein and show to the satisfaction of the Court that the defendant herein was duly notified of the filing and pendency of this action by the publication of the notice of the same in the New Haven Tribune, a newspaper of general circulation printed in the English language and published in Allen County, State of Indiana, said publications being made on 16th, 23rd and 30 days of June, 1916, the last of said publications being more than thirty days prior to the return day hereof, to-wit: August 7th, 1916, and which said publication, together with the proof of the publication of same, are now filed herein, and which said notice is in these words and figures following: (Notice heretofore shown, also set out in record.)

41 The said defendant is now three times audibly called in open Court and comes not but herein wholly makes default herein, and this cause now being at issue on the plaintiffs complaint and the default of said defendant, the same is now submitted to the Court for trial, and the court now having heard the evidence and being duly advised in the premises, now finds for the plaintiffs, John B. Ross and Lucy E. Ross against the defendant herein, and that the said contract be declared null and void and of no effect. The Court further finds that John C. Capron be appointed a commissioner to release and cancel the said contract in Miscellaneous Record No. 44 at pages 332 and 333 of the Records of Allen County, Indiana.

It is further ordered that the plaintiffs pay the costs of this action.

Superior Order Book 30, page 216.
Costs are paid. See Superior Judgment Docket 12, page 76.

42 -----
November 9, 1916. JOHN B. ROSS AND LUCY E. ROSS, his wife, of the County of Allen and State of Indiana, Convey and Warrant to

BLANCHARD H. ROSS, of the County of Allen and State of Indiana,
for \$1.00 and other good and sufficient considerations, the fol-
lowing real estate in Allen County, State of Indiana, to-wit:

Commencing at a point on the St. Marys River where
the east line of the reservation of three sections
of land which were granted to John B. Richardville
by treaty of St. Marys in 1818 intersects the same;
thence southwestwardly along said east line 40
chains and 28 links to a stone corner which marks
the east corner of a 100 acre tract of land conveyed
February 24, 1864 by August H. Carrier, Guardian of
Me He He No Qua to Harry Koons, by deed recorded in
the Deed Record of Allen County, Indiana, Number 35,
at page 94 thereof, thence northwesterly along the
line of said 100 acre tract 49 chains and 90 links
to a stone corner which is the most northerly corner
of said 100 acre tract, thence north 25 degrees east
along the southern boundary of land formerly owned
by Archange Godfrey to said St. Marys River, thence
up said river following the meanderings thereof to
the place of beginning, containing 222 acres of land.

Also, commencing on the St. Marys River at the north
corner of a section of land granted to Josetta Beau-
bien by treaty of St. Marys in the State of Ohio in
1818, which section is commonly known as the Beaubien
or Beaubien Reserve, and running thence south 25 de-
grees west along the north west line of said reserve
63 chains and 75 links to the northwest corner of
said reserve, thence south 38 degrees east 28 chains
and 36 links, thence north 16 degrees east 77 chains
and 2 links to said St. Marys River, thence with the
meanderings of said river to the place of beginning,
containing 146 acres, all located in Township 29 and
30 N., Range 12 East, and containing 367 acres, more
or less.

John B. Ross (Seal)

Lucy E. Ross (Seal)

Acknowledged November 9, 1916 by John B. Ross and Lucy E. Ross,
before John C. Capron, Notary Public, Allen County, State of
Indiana. (Notary seal)

Recorded November 9, 1916. Deed Record 244, page 102.

November 9, 1916. BLANCHARD H. ROSS AND MARY ROSS, his wife, of
the County of Allen and State of Indiana, Convey and Warrant to
LUCY E. ROSS, for \$1.00 and other good and sufficient considera-
tions, the following Real Estate in Allen County, State of
Indiana, to-wit:

Commencing at a point on the St. Marys River where the east line of the reservation of three sections of land which were granted to John B. Richardville by treaty of St. Marys in 1818 intersects the same, thence southwestwardly along said east line 40 chains and 28 links to a stone corner which marks the east corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me He He No Qua to Harry Koons, by deed recorded in the Deed Record of Allen County, Indiana, Number 35, at page 94 thereof, thence northwesterly along the line of said 100 acre tract 49 chains and 90 links to a stone corner which is the most northerly corner of said 100 acre tract, thence north 25 degrees east along the southern boundary of land formerly owned by Archange Godfrey to said St. Marys River, thence up said river following the meanderings thereto to the place of beginning, containing 222 acres of land.

Also, commencing on the St. Marys River at the north corner of a Section of land granted to Josetta Beaubien by treaty of St. Marys, in the State of Ohio, in 1818, which section is commonly known as the Beaubien or Beaubien Reserve, and running thence South 25 degrees west along the northwest line of said reserve 63 chains and 75 links to the northwest corner of said reserve, thence south 38 degrees east 28 chains and 36 links, thence north 16 degrees east 77 chains and 2 links to said St. Marys River, thence with the meanderings of said river to the place of beginning, containing 146 acres, all located in township 29 and 30 N., Range 12 East, and containing 367 acres, more or less.

Blanchard H. Ross (Seal)

Mary D. Ross (Seal)

Acknowledged November 9, 1916 by Blanchard H. Ross and Mary Ross, before John C. Capron, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded November 9, 1916. Deed Record 244, page 103.

Plat of Survey of the J. B. Ross Farm, which is a part of Richardville Reserve West of the St. Marys River and part of the Northwest 145 50/100 acres of the Beaubien Reserve in Townships 29 and 30 North, Range 12 East, in Allen County, Ind.

Measurements on plat are marked in chains and decimal parts of a chain.

Survey made in May, 1921. Total area is 295 53/100 A.

I hereby certify that the same is correct.

Orin M. Darling, Civil Engineer

Acknowledged May 10th, 1921 by Orin M. Darling, before Hilda C. Baltes, Notary Public, Allen County, State of Indiana. (Notarial Seal)

Recorded July 8, 1921.

Plat Record 9, page 56.

December 21, 1920. LUCY E. ROSS AND JOHN B. ROSS, of Allen County, in the State of Indiana, hereinafter called the Grantors, convey and warrant to the MAUMEE VALLEY LAND COMPANY, of Fort Wayne, Indiana, a corporation incorporated under the laws of the State of Indiana, hereinafter called the Grantee, for and in consideration of \$49,000.00, the following described real estate in Allen County, in the State of Indiana, to-wit:

Commencing at a point on the St. Marys River where the east line of the Reserve of 3 Sections of land which were granted to John B. Richardville by the treaty of St. Marys in 1818 intersects the same; thence southwesterly along said East line 40 chains and 28 links to a stone corner which marks the East corner of a 100 acres tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me-she-ha-no-quah to Henry Koons, by deed recorded in deed records of Allen County, Indiana, in Book 35, page 94 thereof, thence Northwesterly along the line of said 100 acre tract 49 chains and 90 links to a stone corner, which is the most Northerly corner of said 100 acre tract, thence North 25 degrees East along the Southern boundary of land formerly owned by Archange Godfrey, to said St. Marys River; thence up said River following the meanderings thereof to the place of beginning, containing 221.18 acres of land, located in Township 29 and 30 North, Range 12 East;

- - Also other Real Estate not in Abstract - -

This conveyance is also made subject to the liens of two certain mortgages, described as followa, to-wit:

First, that certain mortgage heretofore on June 5, 1916, executed and delivered by the grantors herein to the Connecticut Mutual Life Insurance Company for the original sum of \$21,000.00, of which said principal sum \$12,000.00 only now remains unpaid; and subject also to the interest accruing upon

said mortgage after March 1, 1921; said mortgage being of record on Volume 201, at page 525 of the records of Mortgages of Allen County, Indiana.

Secondly, also that certain mortgage heretofore on February 3, 1919 executed and delivered by the grantors herein to The Tri State Loan and Trust Company of Fort Wayne, Indiana, for the sum of \$3000.00 and subject also to the interest accruing on said mortgage after March 1, 1921; said mortgage being of record in Volume 220, at page 278 of the record of Mortgages of Allen County, Indiana.

45 Both of which said mortgages, with the interest after March 1, 1921 thereon as aforesaid, the Grantee herein assumes and agrees to pay as a part of the consideration price aforesaid.

This conveyance is subject also to all taxes and assessments against said lands after those levied and assessed for the year 1920.

Lucy E. Ross (Seal)

(Revenue Stamps \$34.00)

John B. Ross (Seal)

Acknowledged December 21, 1920 by Lucy E. Ross and John B. Ross, husband and wife, before Hilda C. Baltes, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded January 6, 1921. Deed Record 267, page 169.

We, the undersigned, hereby associate ourselves together as a corporation under the laws of the State of Indiana, and for that purpose sign and acknowledge the following articles of Association.

Article 1.

46

The Corporate name is "Maumee Valley Land Company".

Article 2.

The amount of the total authorized capital stock of the corporation shall be Two Hundred Thousand Dollars, divided into two thousand shares of the par value of One Hundred Dollars each.

Article 3.

The purpose of the corporation is to buy and sell State, County, Municipal and all other bonds, to borrow and loan money, to buy and sell promissory notes, bills of exchange, accounts, choses in action, fees, and all other evidences of indebtedness, and to buy, hold, own, mortgage, lease and sell real estate and personal property. The plan of business of the corporation is to invest the capital and surplus of the corporation in such real and personal property as it may be authorized by law to purchase and to sell the same.

Article 4.

The name and place of residence of the incorporating members are as follows:

Names	Residences	Shares
C. E. Hyman	Payne, Ohio	100
L. C. Poland	Payne, Ohio	100
Ira L. Graham	Payne, Ohio	100
H. H. Roose	Payne, Ohio	100
Henry Hyman	Payne, Ohio	100

Article 5.

The principal place of business of the corporation shall be in the City of Fort Wayne, Allen County, Indiana.

Article 6.

The term of existence of the corporation shall be 50 years.

Article 7.

The corporate seal of the corporation shall be a circular disc with the words "Maumee Valley Land Company" within the circumference thereof.

Article 8.

Directors and managers who are to manage the business and prudential concerns of the Corporation shall be elected by the stock holders in accordance with the by-laws of the Corporation.

Article 9.

Five directors shall manage the affairs of the Corporation.

The names of the Directors for the first year are as follows:

C. E. Hyman, L. C. Poland, Ira L. Graham, H. H. Roose and Henry Hyman.

In Witness Whereof, the undersigned have executed the above certificate and articles of association this 9th of October, 1911.

C. E. Hyman

L. C. Poland

Ira L. Graham

Henry Hyman

H. H. Roose

State of Ohio, Paulding County, SS:

Personally appeared before me, C. E. Hyman, L. C. Poland, Ira L. Graham, H. H. Roose and Henry Hyman, who acknowledged the execution of the foregoing articles of association to be their voluntary act and deed for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and notarial seal, this 9th of October, 1911.

(Notary Seal)

Geo. E. Elick
Notary Public

Recorded October 12, 1911. Miscellaneous Record 39, pages 179-180.

Resolutions and By-Laws Adopted and Passed at a
Stockholders' Meeting of the Maumee Valley Land
Company, Held on April 22, 1913.

The Secretary then read the following resolution, viz:

Be it resolved that Section 1 of Article 4 of the By-Laws of said Company shall be and the same is hereby amended so as to read as follows, to-wit:

47 Section 1, the elective officers of this corporation shall be a President, Vice President, Secretary, Assistant Secretary and Treasurer; who shall perform the usual duties appertaining to their respective offices, and those duties heretofore or hereafter especially enjoined upon them. The Assistant Secretary shall have power to do and perform any and all duties, acts and things that the Secretary has the power and authority to do, either at the home office or any of the Companys branches; all such officers

shall be elected by the directors, etc.

Moved by Ira L. Graham and seconded by H. H. Roose that the above resolution be and the same is hereby adopted and made a part of the By-Laws of this Corporation.

Motion, on roll call, carried by unanimous vote.

On motion of L. C. Poland, seconded by Ed. Wahl, the following By-Law was then introduced and unanimously passed, viz:

A By-Law of the Maumee Valley Land Company, Section 2 of Article 6, to authorize and provide for the execution and delivery of deeds, contracts, mortgages, loans, notes, due bills, bonds, insurance applications, assignments, releases, discharges and all such instruments; and to provide generally for the borrowing of money and for the use, handling, negotiation and disposal of the securities belonging to said Company.

47 Whereas, it will be necessary frequently and from time to time in the conduct of its business of buying, selling and exchanging real estate for said company through and by its officers, to make and take, execute and deliver, give and receive, sign and negotiate, assign, endorse, release, discharge, cancel and set over, contracts of various kinds, promissory notes, due bills, bonds and settlement of contracts, stocks and bonds, insurance policies, stock certificates, deeds, mortgages, releases, assignments and various instruments and documents of a similar character, which shall be necessary and incident to, or which may be considered necessary and incident to said business; and to borrow money and make loans upon the real and personal property and the credit of said company, and to execute notes, bonds, mortgages and other evidences of indebtedness to secure such borrowed money and loans;

And Whereas, it is deemed expedient for the prompt conduct of the business of said Company that a By-Law be passed authorizing the officers of said Company hereinafter named, to make, execute and deliver all instruments and writings of the kind and nature

hereinbefore indicated, or of a similar character and to borrow money and make loans and to bind the said Maumee Valley Land Company for the payment of the same.

Now, Therefore, the said Maumee Valley Land Company enacts the following By-Law:-

1st. That the following named officers of said Corporation, any two acting as hereinafter named and designated, to-wit: The President and Secretary, the President and Assistant Secretary, the Vice President and Secretary or the Vice President and Assistant Secretary, shall and are hereby duly authorized and empowered to do any and all of the acts and things hereinbefore or hereinafter indicated and set forth or inferred therefrom, or which they shall deem necessary and proper for the proper conduct of the business of said Corporation.

2nd. Any two of such officers as above indicated are hereby authorized and empowered to apply for, negotiate and make, now or hereafter, any loans of money secured by mortgage or otherwise which they shall deem fit and proper in conducting the business of said Company; and they are authorized and empowered to make, execute and deliver mortgages, notes or other securities, things or obligations demanded by the persons advancing said loans, containing such terms and conditions as such officers of this company shall approve, binding and upon any lands or property owned by said company wherever situate; and to make, execute and deliver on behalf of this Company all such other papers as are necessary and requisite in connection with such loans, and such loans may be negotiated and made with any companies, corporations, associations, firms, partnerships or individuals as such officers shall see fit, and all such loans however and whenever made and secured shall be binding upon the said Maumee Valley Land Company when the seal of said Company is attached to the obligation given therefore by any two of the officers above named and designated; all upon such terms and conditions as such officers shall deem fit and proper.

47 3rd. That any two of such officers as above indicated are hereby authorized to make and take, execute and deliver, give and receive, sign and negotiate, assign, endorse, release, discharge, cancel and set over contracts of all kinds necessary, or which they may deem necessary for the proper conduct of said business of said company or incident thereto, promissory notes, due bills, bonds on settlement of contracts, stocks and bonds, insurance policies and assignments thereof, stock certificates, deeds, mortgages, releases, discharges, assignments, agents and employees contracts and any and all instruments and documents of a similar character which shall be necessary and incident to, or which they shall consider necessary and incident to the conduct of said business of said company in the buying, handling, holding, selling, conveying and encumbering of real estate, and the handling and disposition of the monies, proceeds, notes, mortgages, bonds and other papers and securities involved in and coming to said Company, or going from it through such business and transactions or incident thereto, and further, they are hereby authorized and empowered to borrow money and make loans upon the real and personal property and credit of said company, and to execute notes, bonds, mortgages, and any other evidences of indebtedness to secure such borrowed money and loans; all upon such terms and conditions as such officers shall deem fit and proper.

4th. In the making of agents and employees contracts, such officers shall be empowered to make such terms and provisions as they shall deem best as to the powers of such agents and employees to bind the said Company when contracting or acting on its behalf in connection with their employment; and in the ordinary routine affairs of said Company they may delegate such authority as they may deem fit and proper, and the convenience of the business seems to require.

5th. In regard to the matters covered by this By-Law, all

other by-laws or parts thereof heretofore passed which are inconsistent with this one, or any part thereof or in conflict herewith, are hereby set aside and repealed.

State of Indiana, Allen County, SS:

47 Laffer C. Poland, being duly sworn, deposes and says that he is the Secretary of the Maumee Valley Land Company, and that the foregoing resolutions and by-laws were duly passed by the unanimous vote of the stockholders of the said Company, at a meeting of its stockholders, held at Fort Wayne, Indiana, pursuant to notice as required by law, on April 22, 1913.

Laffer C. Poland

Subscribed and sworn to before me, this 5th day of February, 1923.

(Notary Seal)

Hilda C. Baltes (Seal)
Notary Public

Recorded June 20, 1938.

Miscellaneous Record 100, page 231.

I, Laffer C. Poland, hereby certify that the Maumee Valley Land Company, on the 6th day of January, 1923, had no outstanding preferred stock of any kind, and that said Company has not, at any time during its existence, to date, made an issue of preferred stock of any kind.

Laffer C. Poland

State of Indiana, County of Allen, SS:

48 I, Laffer C. Poland, being duly sworn, declare on oath that I am the Secretary of the Maumee Valley Land Company, mentioned in the foregoing certificate, and that the statements made therein are true in substance and in fact.

Laffer C. Poland

Subscribed and sworn to this 5th day of February, 1923.

(Notary Seal)

Hilda C. Baltes
Notary Public

Recorded June 20, 1938.

Miscellaneous Record 100, page 232.

April 15, 1921. MAUMEE VALLEY LAND COMPANY, of Fort Wayne, Indiana, a corporation incorporated under the laws of the State of Indiana, hereinafter called the Grantor, convey and warrant to LUCY E. ROSS AND JOHN B. ROSS, of Allen County, in the State of Indiana, hereinafter called the Grantees, for and in consideration of \$1.00, the following described real estate in Allen County, in the State of Indiana, to-wit:

Commencing at a point on the St. Marys River where the East line of the Reserve of 3 sections of land which were granted to John B. Richardville by the treaty of St. Marys in 1818, intersects the same; thence Southwesterly along the said east line 40 chains and 28 links to a stone corner which marks the East corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me-she-ha-no-quah to Henry Koons, by deed recorded in deed records of Allen County, Indiana, in book 35, page 94 thereof; thence Northwesterly along the line of said 100 acre tract 49 chains and 90 links to a stone corner which is the most northerly corner of said 100 acre tract; thence north 25 degrees East along the southern boundary of land formerly owned by Archange Godfrey, to said St. Marys River; thence up said river following the meanderings thereof to the place of beginning, containing 221.18 acres of land, located in Township 29 and 30 north, range 12 east.

- - Also other Real Estate not in Abstract - -

This conveyance is also made subject to the liens of two certain mortgages described as follows, to-wit:

First, that certain mortgage heretofore on June 5, 1916, executed and delivered by the grantees herein to The Connecticut Mutual Life Insurance Company, for the original sum of \$21,000.00, of which said principal sum \$12,000.00 only now remains unpaid; and subject also to the interest accruing upon said mortgage after March 1, 1921; said mortgage being of record on Volume 201, at page 525 of the records of mortgages of Allen County, Indiana.

Secondly. Also, that certain mortgage heretofore on February 3, 1919 executed and delivered by the grantees herein to The Tri State Loan and Trust Company of Fort Wayne, Indiana, for the sum of \$3000.00; and subject also to the interest accruing on said mortgage after March 1, 1921; said mortgage being of record in Volume 220, at page 278 of the record of Mortgages of

Allen County, Indiana.

Both of which said mortgages, with the interest after March 1, 1921 thereon as aforesaid, the Grantee herein assumes and agrees to pay as a part of the consideration price aforesaid.

This conveyance is subject also to all taxes and assessments against said lands after those levied and assessed for the year 1920.

(Corporate Seal)

Maumee Valley Land Company

By C. E. Hyman, its President
L. C. Poland, its Secretary

Signed and acknowledged in presence of

Hilda C. Baltes
Adolph Gehres

State of Indiana, County of Allen, SS:

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Be it remembered that on the 15th day of April, 1921, before me, the subscriber, a Notary Public in and for said County, personally came the above named C. E. Hyman and L. C. Poland, who are personally known by me to be the President and Secretary respectively of the said Maumee Valley Land Company, and they, acting as such officers and for and on behalf of said Company, acknowledged the execution of the foregoing deed to be their voluntary act and deed as such officers and the voluntary act and deed of said Maumee Valley Land Company, which is the grantor in the foregoing deed, for the uses and purposes therein mentioned.

In Testimony Whereof, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

(Notary Seal)

Hilda C. Baltes, Notary Public
in and for Allen County, Indiana.

Recorded July 2, 1921.

Deed Record 269, page 525.

50

July 6, 1921. JOHN B. ROSS AND MARY E. ROSS, husband and wife, of Allen County, in the State of Indiana, convey and warrant to the MAUMEE VALLEY LAND COMPANY, a corporation incorporated under the laws of the State of Indiana, located at Fort Wayne, Indiana,

for the sum of \$1.00, the following described real estate in Allen County, Indiana, described as follows, to-wit:

That part of Richardsville Reserve west of the St. Mary's River, and of Beaubien Reserve, in Townships 29 and 30 north, range 12 east, in Allen County, Indiana, described as follows:

Commencing at a gas pipe corner at the south corner of said Richardsville Reserve West of the St. Mary's River and at the west corner of the said Beaubien Reserve; thence north 24 degrees and 45 minutes East along the south east boundary line of said Richardsville Reserve, 24.04 chains to a stone at the east corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence north 34 degrees and 15 minutes west 49.87 chains to a stone corner; thence north 25 degrees and 7 minutes east 38.25 chains to the center line of the Winchester Road; thence south 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence north 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone corner; thence north 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence south 29 degrees and 15 minutes West 2.78 chains; thence south 8 degrees and 26 minutes West 5.70 chains; thence south 1 degree and 31 minutes west 5.98 chains; thence south 4 degrees and 15 minutes east 6 chains; thence south 33 degrees and 55 minutes east 4.31 chains; thence south 40 degrees east 5.98 chains; thence south 46 degrees and 30 minutes east 4.48 chains; thence south 60 degrees and 45 minutes east 6.37 chains; thence south 78 degrees and 15 minutes east 2.27 chains to a stone corner at the north west corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, executor, by deed dated February 14, 1874, recorded in deed record 62, pages 113 to 117 of the Deed Records aforesaid; thence south 18 degrees and 37½ minutes west a distance of 52.57 chains along the north west boundary line of the land described in the deed aforesaid recorded in Deed Record 62, pages 113 to 117, as said boundary line is now located, and said boundary line extended to a stone corner; thence south 88 degrees and 20½ minutes west 22.43 chains to a stone corner on the west line of Beaubien Reserve; thence north 34 degrees west along the west line of Beaubien Reserve 3.06 chains to the place of beginning.

The tract of land above described containing 295.53 acres.

Also including and intending to include in this conveyance all of the real estate owned by the grantors or either of them in Richardsville and Beaubien Reserves aforesaid, including to the middle or thread of the St. Mary's River.

The conveyance is subject also to all taxes and assessments

against said lands after those levied and assessed for the year 1920. And subject also to the lien of a certain mortgage for \$15,000.00, dated July 6th, 1921, and due in 5 years from date, with interest at the rate of 7% per annum payable annually, given by the grantors herein to the Connecticut Mutual Life Insurance Company; which the grantee herein assumes and agrees to pay.

John B. Ross (Seal)

Lucy E. Ross (Seal)

Acknowledged July 6, 1921 by John B. Ross and Lucy E. Ross, husband and wife, before Amelia C. Gordon, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded September 14, 1921. Deed Record 270, page 455.

May 24, 1922. MAUMEE VALLEY LAND COMPANY of Fort Wayne, Indiana, a corporation incorporated under the laws of the State of Indiana, hereinafter called the Grantor, convey and warrant to LAFFER C. POLAND, of Allen County, in the State of Indiana, hereinafter called the Grantee, for and in consideration of \$1.00, the following described real estate in Allen County, in the State of Indiana, to-wit:

That part of Richardsville Reserve West of the St. Mary's River and of Beaubien Reserve, in townships 29 and 30 North, Range 12 East, in Allen County, Indiana, described as follows:

Commencing at a gas pipe corner at the south corner of said Richardsville Reserve west of the St. Mary's River and at the west corner of the said Beaubien Reserve, thence north 24 degrees and 45 minutes east along the south east boundary line of said Richardsville Reserve, 24.04 chains to a stone at the east corner of the 100 acre tract of land described in the deed executed by August H. Carier, Guardian, to Henry Koon, and which said deed is recorded in Deed Record 35, page 94 of the deed records in the Recorder's Office of Allen County, Indiana; thence north 34 degrees and 15 minutes west 49.87 chains to a stone corner; thence north 25 degrees and 7 minutes east 38.25 chains to the center line of the Winchester Road; thence south 18 degrees and 47 minutes east along the center line of said road 17.09 chains; thence north 71 degrees and 22 minutes east 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone

corner, thence north 78 degrees and 15 minutes east 12.98 chains to a stone corner; thence south 29 degrees and 15 minutes west 2.78 chains; thence south 8 degrees and 26 minutes west 5.70 chains; thence south 1 degree and 31 minutes west 5.98 chains; thence south 4 degrees and 15 minutes east 6 chains; thence south 33 degrees and 55 minutes east 4.31 chains; thence south 40 degrees east 5.98 chains; thence south 46 degrees and 30 minutes east 4.48 chains; thence south 60 degrees and 45 minutes east 6.37 chains; thence south 78 degrees and 15 minutes east 2.27 chains to a stone corner at the northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, executor, by deed dated February 14, 1874, recorded in Deed Record 62, pages 113 to 117 of the Deed Records aforesaid; thence south 18 degrees and 37½ minutes west a distance of 52.57 chains along the North West boundary line of the land described in the deed aforesaid, recorded in Deed Record 62, pages 113 to 117 as said boundary line is now located and said boundary line extended to a stone corner; thence south 88 degrees and 20½ minutes west 22.43 chains to a stone corner on the west line of Beaubien Reserve; thence north 34 degrees west along the west line of Beaubien Reserve 3.06 chains to the place of beginning.
The tract of land above described containing 295.53 acres.

This conveyance is also made subject to the liens of 2 certain mortgages, to-wit:

51 Mortgage to The Connecticut Mutual Life Insurance Co. for \$15,000.00, dated July 6th, 1921, and due in 5 years from date.

Also mortgage to Emmett L. Savage, for \$3000.00, dated July 6th, 1921, and due July 6th, 1923.

This conveyance is subject also to all taxes and assessments against said lands after those levied and assessed for the year 1921.

(Corporate Seal)

Maumee Valley Land Company

(Revenue Stamps \$1.00)

By C. E. Hyman, its President
L. C. Poland, its Secretary

Signed and acknowledged in presence of us:

J. B. Gordon
Hilda C. Baltes

State of Indiana, County of Allen, SS:

Be it remembered that on the 24th day of May, in the year of our Lord, 1922, before me, the subscriber, a Notary Public in and for said county, personally came the above named C. E. Hyman and L. C. Poland, who are personally known to me to be the President

and Secretary respectively of the said Maumee Valley Land Company, and they, acting as such officers, and for and on behalf of said Company, acknowledged the execution of the foregoing deed to be their voluntary act and deed as such officers, and the voluntary act and deed of said Maumee Valley Land Company, which is the grantor in the foregoing deed, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto subscribed my name and affixed my notarial seal, on the day and year last aforesaid.

(Notary Seal)

Hilda C. Baltes, Notary Public
in and for Allen County, Ind.

Recorded July 3, 1922.

Deed Record 275, page 256.

The Maumee Valley Land Company
Laffar C. Poland

vs. 24230

Superior Court of
Allen County

Anna Josetta Robedaux, alias Mary Ann Josetta Robedouse, alias Mary Ann Josette Robedoux, alias Josetta Beaubien, alias Josette Robedaux, John B. Richardville, LaBlonde, alias Maria Louisa Richardville, Susan Richardville, Allen Hamilton, Trustee for LaBlonde, alias Maria Louisa Richardville, daughter of John B. Richardville, and trustee for Susan Richardville, daughter of John B. Richardville, George Ossem, alias George A. Aussem, alias George Ossum, William Cass, alias Me-she-ke-noo-quah, alias Mish-e-ca-no-quah, Archange Godfrey, alias Mongoezequah, James R. Godfrey, James Robadoux, James Rudabouse, Alexis Coquillard, Francis Comparet, Samuel C. Sample, Henry Cooper, Elisha B. Harris, Samuel Harris, Rachel Harris, Martin Guider, David Grider, Martin Grider, Martin Greider, Reuben J. Dawson, R. J. Dawson, Michael Richardville, Margaret Richardville, wife of Michael Richardville, Touissant Rudibeaus, Mary L. Rubideaux, John Rubideaux, William G. Ewing, Esther Ewing, wife of William G. Ewing, George W. Ewing, Lavina H. Holladay, Jesse Holladay, Charlotte F. Ewing, Charlotte E. Thruston, Dickinson P. Thruston, George W. Ewing, Junior, Minnesota Ewing, Minnesota Tytus, John B. Tytus, Charlotte E. Thruston, Charlotte E. Webb, William F. Webb, Mary C. Ewing, George W. Ewing, Thirld, Jesse M. Philbin, Eugene A. Philbin, Hattie E. Tyler, Duval Tyler, Daisy B. Holladay, Polly Holladay, Byrum D. Miner, Bettie S. Ewing, Benjamin

Complaint to
Quiet Title

52

E. Holladay, Sophia Howard, Maggie Donaldson, Maggie M. Donaldson, Angeline Adler, Francis Adler, Louis Geboe, John Geboe, David Geboe, Josephine Pauo, John Pauo, Rose Ann Sharkey, John Sharkey, Sophia V. Roubedoux, Edward G. Harris, Mary Louisa Leonard, Mosea L. Leonard, Martha A. Cox, Peter Lafallier, R. S. Lemon, The Missouri, Texas Land and Irrigation Company, a corporation organized and doing business in Missouri, Texas and Indiana, D. P. White, Wright & Embry, _____ Wright, whose christian name is unknown, _____ Embry, whose christian name is unknown, _____ Dubois, whose christian name is unknown, Charles M. Dawson, John W. Dawson, Samuel Snyder, John C. Meyer, Henry Meyer, John Ferguson, Zedekiah Ake, Minerva C. Evans, Samuel C. Evans, J. Wallace Dawson, Emma R. Dawson, Albert C. Dawson, Martha J. Dawson, Elizabeth J. Dawson, M. J. Dawson, Elias Hire, Susan Hire, Susan E. Hire, John H. Thrash, Laura L. VanVoorhis, Henry H. Hildebrand.

The unknown wivea, spouses, heirs, legatees, devisees, trustees, assignees, guardians, administrators and executors' of the above named Anna Josetta Robedaux, Mary Ann Josetta Robedouse, Mary Ann Joaette Robedaux, Josetta Beaubien, Josetta Robedaux, John B. Richardville, LaBlonde, alias Maria Louisa Richardville, Susan Richardville, Allen Hamilton, Trustee for LaBlonde, alias Maria Louisa Richardville and Susan Richardville, daughters of John B. Richardville, George Ossem, George A. Aussem, George Ossum, William Casa, alias Me-she-ke-noo-quah, alias Mish-e-ca-no-quah, Archange Godfrey, alias Mongozequah, James R. Godfrey, James Robadoux, James Rudabouse, John Rubideaux, Alexis Coquillard, Francis Com-paret, Samuel C. Sample, Henry Cooper, Elisha B. Harris, Samuel Harris, Rachel Harris, Martin Guider, David Grider, Martin Greider, Martin Grider, Reuben J. Dawson, R. J. Dawson, Michael Richardville, Margaret Richardville, wife of Michael Richardville, Toussant Rudibeaus, Mary L. Rubideaux, John Rubideaux, William G. Ewing, Esther Ewing, wife of William G. Ewing, George W. Ewing, Lavina H. Holladay, Jesse Holladay, Charlotte F. Ewing, Charlotte F. Thruston, Dickinson F. Thruston, George W. Ewing, Junior, Minnesota Ewing, Minnesota Tytus, John B. Tytus, Charlotte E. Thruston, Charlotte E. Webb, William F. Webb, Mary C. Ewing, George W. Ewing, third, Jesse M. Philbin, Eugena A. Philbin, Hattie E. Tyler, Duval Tyler, Daisy B. Holladay, Polly Holladay, Byrum D. Miner, Bettie S. Ewing, Benjamin E. Holladay, Sophia Howard, Maggie Donaldson, Maggie M. Donaldson, Angeline Adler, Francis Adler, Louis Geboe, David Geboe, John Geboe, Josephine Pauo, John Pauo, Rose Ann Sharkey, John Sharkey, Sophia V. Roubedoux, Edward G. Harris, Mary Louisa Leonard, Moses L. Leonard, Martha A. Cox, Peter Lafallier, R. S. Lemon, The Missouri Texas Land & Irrigation Company, D. P. White, Wright & Embry, _____ Wright, whose christian

name is unknown, _____ Embry, whose christian
 name is unknown, _____ Dubois, whose christian
 name is unknown, Charles M. Dawson, John W.
 Dawson, Samuel Snyder, John C. Meyer, Henry
 Meyer, John Ferguson, Zedekiah Ake, Minerva
 C. Evans, Samuel C. Evans, J. Wallace Dawson,
 Emma R. Dawson, Albert C. Dawson, Martha J.
 Dawson, Elizabeth J. Dawson, M. J. Dawson,
 Elias Hire, Susan E. Hire, John H. Thrash,
 Laura L. Vanvoorhis, Henry H. Hildebrand }

Come the plaintiffs herein, Laffar C. Poland and the Maumee Valley Land Company, a corporation organized under the laws of the State of Indiana, and complaining of the defendants above named and of each and all of said defendants, state to the Court:

That Plaintiffs, Laffar C. Poland and the Maumee Valley Land Company are the owners in fee simple and are in possession of the following real estate situate in the County of Allen, State of Indiana, to-wit:

That part of the Richardville Reserve West of the St. Mary's River, and of the Beaubien Reserve, in Townships 29 and 30 North, Range 12 East, in Allen County, State of Indiana, more particularly described as follows:

Commencing at a gas pipe corner at the South corner of said Richardville Reserve West of the St. Mary's River, and at the West corner of the said Beaubien Reserve, thence North 24 degrees and 45 minutes East along the Southeast boundary line of said Richardville Reserve, 24.04 chains to a stone at the east corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, at page 94 of the Deed Records in the Records office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 49.87 chains to a stone corner; thence North 25 degrees and 7 minutes east 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes east 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes east 4.31 chains; thence South 40 degrees east 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, executor, by deed dated February 14th, 1874, recorded in Deed Record 62, at page 113 to 117 of the deed records aforesaid; thence South 18 degrees and 37½ minutes west a distance of 52.57 chains along the Northwest boundary line of the land described in the deed aforesaid, recorded in Deed Record 62, at pages 113 to 117, as said boundary line is now located and

said boundary line extended to a stone corner; thence South 88 degrees and 20½ minutes west 22.43 chains to a stone corner on the west line of the Beaubien Reserve; thence North 34 degrees west along the west line of the Beaubien Reserve 3.06 chains to the place of beginning. Said tract of land extending on the East to the middle of the stream of the St. Mary's River, and containing in all 295.53 acres.

Said plaintiffs state to the Court that they and their immediate and remote grantors have had the full, complete, open and notorious possession of the lands above described, and have held the same adversely for over fifty years, and that they and their immediate and remote grantors have for over fifty years farmed said tract of land and fenced and improved the same, and paid all taxes levied thereon.

Said plaintiffs further state to the Court that the defendants above named and each and all of them have made and are making claims to the title and right of possession of the real estate above described, which claims are wholly false and are without any right whatsoever, and the same are a cloud on the title of plaintiff to the land above described, and act as a hindrance to the free use and enjoyment of the plaintiffs in and to said lands.

Wherefore, the plaintiffs pray for judgment against each and every one of said defendants above named, and against all the world, as to their claims of title and right of possession of said tract of land above described, and that the title of the plaintiffs be quieted to said lands, and that the title of the plaintiffs be quieted against the claims of all the world, and for all other proper relief.

John C. Capron,
Attorney for Plaintiff.

Filed July 5, 1922.

Affidavit of Non Residence

Comes now Leo L. Cullen, a disinterested party, and being duly sworn upon his oath, states to the Court that the following named defendants in the suit now pending in the Superior Court of Allen County, State of Indiana, wherein Laffar C. Poland and The Maumee Valley Land Company are plaintiffs, and Anna Josetta Robedaux, et al are defendants--viz; Anna Josetta Robedaux, alias Mary Ann Josetta Robedouse, alias Mary Ann Josette Robedoux, alias Josetta Beaubien, alias Josette Robedaux, John B. Richardville, LaBlonde, alias Maria Louisa Richardville, Susan Richardville, Allen Hamilton, Trustee for LaBlonde, alias Maria Louisa Richardville, daughter of John B. Richardville and Trustee for Susan Richardville, daughter of John B. Richardville, George Ossem, alias George A. Aussem, alias George Ossum, William Cass, alias Me-she-ke-noo-quah, alias Mish-e-cano-quah, Archange Godfrey, alias Mongozequah, James R. Godfrey, James Robadoux, James Rudabouse, Alexis Coquillard, Francis Comparet, Samuel C. Sample, Henry Cooper, Samuel Harris, Elisha B. Harris, Rachel Harris, Martin Guider, David Grider, Martin Greider, Martin Grider, Reuben J. Dawson, R. J. Dawson, Michael Richardville, Margaret Richardville, wife of Michael Richardville, Touissant Rudibeaus, Mary L. Rubideaux, John Rubideaux, William G. Ewing, Eather Ewing, wife of William G. Ewing, George W. Ewing, Lavina H. Holladay, Jesse Holladay, Charlotte F. Ewing, Charlotte E. Thruston, Dickinson P. Thruston, George W. Ewing,

Junior, Minnesota Ewing, Minnesota Tytus, John B. Tytus, Charlotte E. Thruston, Charlotte E. Webb, William F. Webb, Mary G. Ewing, George W. Ewing, Third, Jesse M. Philbin, Eugene A. Philbin, Mattie E. Tyler, Duval Tyler, Daisy B. Holladay, Polly Holladay, Byrum D. Miner, Bettie S. Ewing, Benjamin E. Holladay, Sophia Howard, Maggie Donaldson, Maggie M. Donaldson, Angeline Adler, Francis Adler, Louis Geboe, John Geboe, David Geboe, Josephine Pauo, John Pauo, Rose Ann Sharkey, John Sharkey, Sophia V. Roubedoux, Edward G. Harris, Maria Louisa Leonard, Rosca L. Leonard, Martha A. Cox, Peter LaFolier, R. S. Lemon, The Missouri Texas Land and Irrigation Company, D. P. White, Wright & Embry, _____ Wright, whose christian name is unknown, Embry, whose christian name is unknown, Dubois, whose christian name is unknown, Charles H. Dawson, John W. Dawson, J. Wallace Dawson, John C. Meyer, Samuel Snyder, Henry Meyer, John Ferguson, Zedekiah Ake, Minerva C. Evans, Samuel C. Evans, Emma R. Dawson, Albert C. Dawson, Martha J. Dawson, M. J. Dawson, Elizabeth J. Dawson, Elias Hire, Susan E. Hire, John H. Thrash, Laura L. VanVoorhis, and the unknown heirs, wives, spouses, legatees, devisees, trustees, assignees, guardians, administrators and executors of each and all of the defendants above named, are necessary parties to the proper prosecution of said cause, and though diligent search has been made the addresses of each and all of said defendants are unknown; that each and all of said defendants are non-residents of the State of Indiana.

Further affiant saith not.

52

L. L. Cullen

Subscribed and sworn to before me, this 9th day of June, 1922.

(Notary Seal)

John C. Capron
Notary Public

Filed July 5, 1922.

With papers in Box 2869.

July 5, 1922. Comes now the Plaintiff, by his Attorney, John C. Capron, and files a complaint to quiet title and also statutory affidavit and affidavit for publication herein in these words and figures following (HI), and publication is now ordered for all of said defendants in the Fort Wayne Journal-Gazette, a daily newspaper of general circulation, printed in the English language and published in Fort Wayne, Allen County, Indiana, and made returnable September 10th, 1922.

Superior Order Book 42, page 493.

The Maumee Valley Land Company
Laffer C. Poland

Superior Court of Allen County

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vs. 24230

Motion and verified showing

Anna Josetta Robedaux, et al

Come now the plaintiffs and show to the Court that the plaintiff, The Maumee Valley Land Company, a corporation duly organized under the laws of the State of Indiana, also designated Maumee Valley Land Company, and which is its true name, by deed executed by it, by its proper officers duly authorized and empowered to execute the said deed, and to affix the corporate seal of said corporation to said deed, and which said deed is recorded in Book 275, page 256 of the Deed Records in the Recorder's Office of Allen County, Indiana, conveyed all of the interest of said corporation in and to the Real Estate described in plaintiffs complaint filed herein, to its co-plaintiff herein, namely, Laffer C. Poland, and who succeeded to all of the rights and interest in and to said real estate of said Corporation, and that said Laffer C. Poland is now the owner in fee-simple of all of the real estate in Plaintiffs' complaint described, and that this cause accordingly should proceed and be prosecuted in the name of said Laffer C. Poland, as sole plaintiff.

Wherefore, the plaintiffs move the Court that this cause proceed in the name of Laffer C. Poland, as sole plaintiff, and that said cause be dismissed as to the plaintiff, said Maumee Valley Land Company, and that such order be made by the Court in this cause in relation to this motion, as the law and the facts may authorize.

(Corporate Seal)

Maumee Valley Land Co.

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By C. E. Hyman, President
and by L. C. Poland, Secretary.

State of Indiana, Allen County, SS:

The undersigned, being duly sworn on his oath, deposes and says that affiant is President of the Maumee Valley Land Company, of the plaintiffs in this cause, and named and referred to in the foregoing motion, and that affiant makes this affidavit in its behalf and is authorized to do so, and that the facts therein recited and stated are true.

C. E. Hyman

Subscribed and sworn to before me, this 23rd day of January, 1924.

(Notary Seal)

Hilda C. Baltes
Notary Public

Filed February 14, 1924.

With Papers in Box 2869.

The Maumee Valley Land Company
Laffer C. Poland

vs. 24230

Anna Josetta Robedaux, alias Mary Ann
Josetta Robedouse, alias Mary Ann
Josette Robedoux, alias Josetta Beaubien,
alias Josette Robedaux, John B. Richard-
ville, LaBlonde, alias Maria Louisa Richard-
ville, Susan Richardville, Allen Hamilton,

} Superior Court of
Allen County

} Notice to Non-
Residents

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trustee for LaBlonde, alias Maria Louisa Richardville, daughter of John B. Richardville, and trustee for Susan Richardville, daughter of John B. Richardville, George Ossem, alias George A. Aussem, alias George Ossum, William Cass, alias Me-she-ke-noo-quah, alias Mish-e-ca-no-quah, Archange Godfrey, alias Mongozequah, James R. Godfrey, James Robadoux, James Rudabouse, Alexis Coquillard, Francis Comparet, Samuel C. Sample, Henry Cooper, Elisha B. Harris, Samuel Harris, Rachel Harris, Martin Guider, David Grider, Martin Grider, Martin Greider, Reuben J. Dawson, R. J. Dawson, Michael Richardville, Margaret Richardville, wife of Michael Richardville, Touissant Rudibeaus, Mary L. Rubideaux, John Rubideaux, William G. Ewing, Esther Ewing, wife of William G. Ewing, George W. Ewing, Lavina H. Holladay, Jesse Holladay, Charlotte F. Ewing, Charlotte E. Thruston, Dickinson P. Thruston, George W. Ewing, Junior, Minnesota Ewing, Minnesota Tytus, John B. Tytus, Charlotte E. Thruston, Charlotte E. Webb, William F. Webb, Mary C. Ewing, George W. Ewing, Third, Jesse M. Philbin, Eugene A. Philbin, Hattie E. Tyler, Duval Tyler, Daisy B. Holladay, Polly Holladay, Byrum D. Miner, Bettie S. Ewing, Benjamin E. Holladay, Sophia Howard, Maggie Donaldson, Maggie M. Donaldson, Angeline Adler, Francis Adler, Louis Geboe, John Geboe, David Geboe, Josephine Pauo, John Pauo, Rose Ann Sharkey, John Sharkey, Sophia V. Roubedoux, Edward G. Harris, Mary Louisa Leonard, Moses L. Leonard, Martha A. Cox, Peter Lafalier, R. S. Lemon, The Missouri, Texas & Indiana Irrigation Company, a company organized in Missouri, Texas and Indiana, and doing business in Missouri, Texas and Indiana, D. P. White, Wright & Embry, _____ Wright, whose christian name is unknown, _____ Embry, whose christian name is unknown, _____ Dubois, whose christian name is unknown, Charles M. Dawson, John W. Dawson, Samuel Snyder, John C. Meyer, Henry Meyer, John Ferguson, Zedekiah Ake, Minerva C. Evans, Samuel C. Evans, J. Wallace Dawson, Emma R. Dawson, Albert C. Dawson, Martha J. Dawson, John W. Dawson, Elizabeth J. Dawson, M. J. Dawson, Elias Hire, Susan E. Hire, John H. Thrash, Laura VanVoorhis, Henry H. Hildebrand.

The unknown wives, spouses, heirs, legatees, devisees, trustees, assignees, guardians, administrators and executors, lessees and successors in interest of the above named Anna Josetta Robedaux, Mary Ann Josetta Robedouse, Mary Ann Josette Robedaux, Josetta Beaubien, Josette Robedaux, John B. Richardville, LaBlonde, alias Maria Louisa Richardville, Susan Richardville, Allen Hamilton, trustee for LaBlonde, alias Maria Louisa Richardville and Susan Richardville, daughters of John B. Richardville, George Ossem, George A. Aussem, George Ossum, William Cass, alias Me-she-ke-noo-quah, alias Mish-e-ca-no-quah, Archange Godfrey, alias Mongozequah, James R. Godfrey, James

Robadoux, James Rudabouse, John Rubideaux, }
 Alexia Coquillard, Francis Comparet, Samuel }
 C. Sample, Henry Cooper, Elisha B. Harris, }
 Samuel Harris, Rachel Harris, Martin Guider, }
 David Grider, Martin Greider, Martin Grider, }
 Reuben J. Dawson, R. J. Dawson, Michael }
 Richardville, Margaret Richardsville, wife of }
 Michael Richardville, Toussant Rudibeaus, }
 Mary L. Rubideaux, John Rubideaux, William }
 G. Ewing, Esther Ewing, wife of William G. }
 Ewing, George W. Ewing, Lavina H. Holladay, }
 Jesse Holladay, Charlotte F. Ewing, Charlotte }
 F. Thruston, Dickinson P. Thruston, George W. }
 Ewing, Junior, Minnesota Ewing, Minnesota }
 Tytua, John B. Tytus, Charlotte E. Thruston, }
 Charlotte E. Webb, William F. Webb, Mary C. }
 Ewing, George W. Ewing, third, Jease M. Phil- }
 bin, Eugena A. Philbin, Hattie E. Tyler, Duval }
 Tyler, Daisy B. Holladay, Polly Holladay, }
 Byrum D. Miner, Bettie S. Ewing, Benjamin E. }
 Holladay, Sophia Howard, Maggie Donaldson, }
 Maggie M. Donaldson, Angeline Adler, Francis }
 Adler, Louis Geboe, David Geboe, John Geboe, }
 Josephine Pauo, John Pauo, Rose Ann Sharkey, }
 John Sharkey, Sophia V. Roubedoux, Edward G. }
 Harris, Mary Louisa Leonard, Moses L. Leonard, }
 Martha A. Cox, Peter Lafalier, R. S. Lemon, }
 the Missouri-Texas Land & Irrigation company, }
 D. P. White, Wright & Embry, _____ Wright, }
 whose christian name is unknown, _____ Embry, }
 whose christian name is unknown, _____ Dubois, }
 whose christian name is unknown, Charles M. }
 Dawson, John W. Dawson, Samuel Snyder, John C. }
 Meyer, Henry Meyer, John Ferguson, Zedekiah }
 Ake, Minerva C. Evans, Samuel C. Evans, J. }
 Wallace Dawson, Emma R. Dawson, Albert C. }
 Dawson, Martha J. Dawson, Elizabeth J. Dawson, }
 M. J. Dawson, Elias Hire, Susan E. Hire, John }
 H. Thrash, Laura L. VanVoorhis. }

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The Judge of the Superior Court of Allen County, State of Indiana, being informed by the affidavit of a disinterested person that the above named defendants are each and all necessary parties to the proper prosecution of the cause above named, now pending in the said Superior Court of Allen County, Indiana, and that each and all of said defendants above named are non-residents of the State of Indiana, and that their addresses are unknown, the said defendants above named and each and all of them are hereby notified that they shall appear in the Superior Court of Allen County, State of Indiana, on the 11th day of September, 1922, and there make answer to the complaint of said plaintiffs to quiet the title to the lands described in said complaint, and if said defendants make default, said cause shall be heard and determined in their absence.

Witness my hand and official seal, this 5th day of July, 1922.

(Seal) Attest: Kent Sweet, Clerk of
Allen Superior Court

Proof of Publication

State of Indiana, Allen County, SS:

Personally appeared before the undersigned, A. J. Gruber,

who, being duly sworn according to law, says that he is the Business Manager of The Fort Wayne Journal-Gazette, a Daily Newspaper of general circulation printed and published in said County and State, and that the notice herewith attached was published in the said paper three times successively, the first publication being on the 7 day of July, 1922; the second on the 14 day of July, 1922; the third on the 21 day of July, 1922.

A. J. Gruber

Subscribed and sworn to before me, this 21 day of July, 1922.

(Notary Seal)

A. F. Scherer, Notary Public,
Allen County.

Filed July 31, 1922.

With Papers in Box 2269.

The Maumee Valley Land Company
Laffer C. Poland

Superior Court
of Allen County

vs. 24230

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Anna Josetta Robedaux, alias Mary Ann Josetta Robedouse, alias Mary Ann Josette Robedoux, alias Josetta Beaubien, alias Josette Robedaux, John B. Richardville, LaBlonde, alias Maria Louisa Richardville, Susan Richardville, Allen Hamilton, trustee for LaBlonde, alias Maria Louisa Richardville, daughter of John B. Richardville, and trustee for Susan Richardville, daughter of John B. Richardville, George Ossem, alias George A. Aussem, alias George Ossem, William Cass, alias Me-she-ke-noo-quah, alias Mish-e-ca-no-quah, Archange Godfrey, alias Mongozequah, James R. Godfrey, James Robadoux, James Rudabouse, Alexis Coquillard, Francis Comparet, Samuel C. Sample, Henry Cooper, Elisha B. Harris, Samuel Morris, Rachel Harris, Martin Guider, David Grider, Martin Grider, Martin Greider, Reuben J. Dawson, R. J. Dawson, Michael Richardville, Margaret Richardville, wife of Michael Richardville, Touissant Rudibeaus, Mary L. Rubideaux, John Rubideaux, William G. Ewing, Esther Ewing, wife of William G. Ewing, George W. Ewing, Lavina H. Holladay, Jesse Holladay, Charlotte F. Ewing, Charlotte E. Thruston, Dickinson F. Thruston, George W. Ewing, Junior, Minnesota Ewing, Minnesota Tytus, John B. Tytus, Charlotte E. Thruston, Charlotte E. Webb, William F. Webb, Mary C. Ewing, George W. Ewing, Third, Jesse M. Philbin, Eugene A. Philbin, Hattie E. Tyler, Duval Tyler, Daisy B. Holladay, Polly Holladay, Byrum D. Miner, Bettie S. Ewing, Benjamin E. Holladay, Sophia Howard, Maggie Donaldson, Maggie M. Donaldson, Angeline Adler, Francis Adler, Louis Geboe, John Geboe, David Geboe, Josephine Pauo, John Pauo, Rose Ann Sharkey,

John Sharkey, Sophia V. Houbedoux, Edward G. Harris, Mary Louisa Leonard, Moses L. Leonard, Martha A. Cox, Peter Lafalier, R. S. Lemon, The Missouri-Texas Land & Irrigation Company, a corporation organized and doing business in Missouri, Texas and Indiana, D. P. White, Wright & Embry, _____ Wright, whose christian name is unknown, _____ Embry, whose christian name is unknown, _____ Dubois, whose christian name is unknown, Charles M. Dawson, John W. Dawson, Samuel Snyder, John C. Meyer, Henry Meyer, John Ferguson, Zedekiah Ake, Minerva C. Evans, Samuel C. Evans, J. Wallace Dawson, Emma R. Dawson, Albert C. Dawson, Martha J. Dawson, Elizabeth J. Dawson, M. J. Dawson, Elias Hire, Susan Hire, Susan E. Hire, John H. Thraash, Laura L. Van Voorhia, Henry H. Hildebrand.

The unknown wives, spouses, heirs, legatees, devisees, trustees, assignees, guardians, administrators and executors of the above named Anna Josetta Robedaux, Mary Ann Josetta Robedouse, Mary Ann Josette Robedaux, Josetta Beaubien, Josetta Robedaux, John B. Richardville, LaBlonde, alias Maria Louisa Richardville, Susan Richardville, Allen Hamilton, trustee for LaBlonde. alias Maria Louisa Richardville and Susan Richardville, daughters of John B. Richardville, George Ossem, George A. Aussem, George Ossum, William Casa, alias Me-she-ke-noo-quah, alias Mish-e-ca-no-quah, Archange Godfrey, alias Mongozequah, James R. Godfrey, James Robadoux, James Rudabouse, John Rubideaux, Alexis Coquillard, Francis Comparet, Samuel C. Sample, Henry Cooper, Elisha B. Harris, Samuel Harris, Rachel Harria, Martin Guider, David Grider, Martin Greider, Martin Grider, Reuben J. Dawson, R. J. Dawson, Michael Richardville, Margaret Richardville, wife of Michael Richardville, Toussant Rudibeaus, Mary L. Rubideaux, John Rubideaux, William G. Ewing, Esther Ewing, wife of William G. Ewing, George W. Ewing, Lavina H. Holladay, Jesse Holladay, Charlotte F. Ewing, Charlotte F. Thruston, Dickinson P. Thruston, George W. Ewing, Junior, Minneacota Ewing, Minnesota Tytus, John B. Tytus, Charlotte E. Thruston Charlotte E. Webb, William F. Webb, Mary C. Ewing, George W. Ewing, Third, Jesse M. Philbin, Eugena A. Philbin, Hattie E. Tyler, Duval Tyler, Daisy B. Holladay, Polly Holladay, Byrum D. Miner, Bettie S. Ewing, Benjamin E. Holladay, Sophia Howard, Maggie Donaldson, Maggie M. Donaldson, Angeline Adler, Francis Adler, Louis Geboe, David Geboe, John Geboe, Josephine Pauo, John Pauo, Rose Ann Sharkey, John Sharkey, Sophia V. Roubedoux, Edward G. Harris, Mary Louisa Leonard, Mosea L. Leonard, Martha A. Cox, Peter Lafalier, R. S. Lemon, the Missouri-Texas Land & Irrigation Company, D. P. White, Wright & Embry, _____ Wright, whose christian name is unknown, _____ Embry, whose christian name is unknown, _____ Dubois, whose christian name is unknown, Charles M. Dawson, John W.

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Dawson, Samuel Snyder, John C. Meyer, Henry Meyer, John Ferguson, Zedekiah Ake, Minerva C. Evans, Samuel C. Evans, J. Wallace Dawson, Emma R. Dawson, Albert C. Dawson, Martha J. Dawson, Elizabeth J. Dawson, M. J. Dawson, Elias Hire, Susan E. Hire, John H. Thrash, Laura L. Van Voorhis, Henry H. Hildebrand }

February 14, 1924. Come now the plaintiffs, by their Attorney, John C. Capron, and file herein in these words (HI), their verified written motion that this cause be dismissed as to the plaintiff, The Maumee Valley Land Company, also designated Maumee Valley Land Company, and which is the true name of said corporation, and that this cause proceed in the name of the plaintiff, Laffer C. Poland, as sole plaintiff, and setting out in said motion and showing thereby, that said Maumee Valley Land Company, by deed executed by it, by its proper officers, duly authorized and empowered to execute said deed, and to affix the corporate seal of said corporation to said deed, convey all of its interest in and to the real estate in plaintiffs' complaint described to its co-plaintiff herein, namely, Laffer C. Poland, and who succeeded to all of the right and interest in and to said real estate of said corporation, and that said Laffer C. Poland is now the owner in fee-simple of all of the real estate in plaintiffs' complaint described.

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And the court, upon hearing said motion, and upon consideration of the evidence produced in support of said motion and being fully advised, finds that the facts set out in said motion are true, and said motion is granted by the Court, and this cause is now dismissed as to Maumee Valley Land Company, of the plaintiffs therein, and this cause is ordered by the Court to proceed in the name of Laffer C. Poland, as sole plaintiff.

And come now Laffer C. Poland, now the sole plaintiff herein, by his attorney, John C. Capron, and shows to the Court that the defendants to this cause and each and all of them, and including all of the persons and corporations named, described and designated as defendants to this cause in the caption to the complaint

filed herein, were each and all duly notified of the filing of said complaint herein, and of the pendency and day fixed for the hearing of this cause, more than 30 days prior to the day set for the hearing thereof, as fixed by endorsement on said complaint, and which said notice was given by publication in The Fort Wayne Journal-Gazette, a daily newspaper of general circulation, printed in the English language and published in Allen County, State of Indiana, and which said publications were made on the 7th, 14th and 21st day of July, 1922, and which said notice and proof of the publication thereof are now filed herein and are in the words and figures following (HI). And each and all of said defendants being now three times audibly called in open Court come not but wholly make default herein.

55 And this cause being at issue and jury being waived, this cause is now submitted to the Court for trial, and the Court having heard the evidence and being fully advised in the premises, finds for the plaintiff, Laffer C. Poland, that all of the allegations set out and contained in the complaint filed in this cause are true and that the plaintiff, Laffer C. Poland is the owner in fee-simple and in possession and entitled to the possession of the real estate in said complaint described. That the defendants to this action and each and all of them claim an interest in and to said real estate, and to hold liens thereon adverse to the rights of the plaintiff, Laffer C. Poland, and which said pretended claims and liens are null, void, and of no effect and wholly without right and unfounded and cast a cloud upon the title of the plaintiff, Laffer C. Poland, in and to said Real Estate, and that plaintiff, Laffer C. Poland is entitled to have his title to said real estate set at rest and quieted against the defendants to this action and each and all of them.

It is, therefore, considered, adjudged and decreed by the Court that the plaintiff, Laffer C. Poland is the owner in fee simple of the real estate in Allen County, in the State of Indiana, described in the complaint filed herein, to-wit:

That part of the Richardville Reserve West of the St. Mary's River, and of the Beaubien Reserve, in Townships 29 and 30 North, Range 12 East, in Allen County, State of Indiana, more particularly described as follows:

Commencing at a gas pipe corner at the South corner of said Richardville Reserve West of the St. Mary's River, and at the West corner of the said Beaubien Reserve; thence North 24 degrees and 45 minutes East along the South East boundary line of said Richardville Reserve, 24.04 chains to a stone at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 49.87 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the North West corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14th, 1874, recorded in Deed Record 62, pages 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 52.57 chains along the North west boundary line of the land described in the deed aforesaid, recorded in Deed Record 62, pages 113 to 117, as said boundary line is now located and said boundary line extended to a stone corner; thence south 88 degrees and 20½ minutes West 22.43 chains to a stone corner on the West line of the Beaubien Reserve; thence North 34 degrees West along the West line of the Beaubien Reserve 3.06 chains to the place of beginning. Said tract of land extending on the East to the middle of the stream of the St. Mary's River; and containing in all 295.53 acres;

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that the claims and pretended liens of the defendants and of each of them are wholly without right and unfounded, null and void and of no effect.

It is further considered, adjudged and decreed by the Court that the title of said Laffer C. Poland in and to said real estate be and the same is hereby quieted and forever set at rest against the defendants to this action and each of them, and against all

persons and corporations claiming by, under or through them and any of them, and the defendants and each and all of them and all persons and corporations claiming by, under or through them or any of them are hereby forever enjoined and restrained from setting up or asserting any claim of title to or interest in or lien upon said real estate adverse to the title thereto of the plaintiffs.

It is further decreed that the plaintiff pay all costs in this action.

Superior Order Book 47, pages 485-488.

Costs are paid - See Superior Judgment Docket 19, page 67.

April 1, 1923. LAFFER C. POLAND AND CORA J. POLAND, his wife, of Ft. Wayne, Allen County, Indiana, mortgage and warrant to E. L. SAVAGE, as TRUSTEE, the following described real estate in Allen County, in the State of Indiana, as follows, to-wit:

That part of Richardville Reserve West of the St. Marys River and of Beaubien Reserve, in Township No. 30 North, Range 12 East, in Wayne Township, All County, Indiana, described as follows:
Commencing at a gas pipe corner set on the south boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located north 34 degrees 15 minutes west 28.11 chains from a stone corner at the east corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence north 34 degrees and 15 minutes west 21.76 chains to a stone corner; thence north 25 degrees and 7 minutes east 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes east along the center line of said road 17.09 chains; thence north 71 degrees 22 minutes east 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone corner; thence north 78 degrees and 15 minutes east 12.98 chains to a stone corner; thence south 29 degrees and 15 minutes west 2.78 chains; thence south 8 degrees and 26 minutes west 5.70 chains; thence south 1 degree and 31 minutes west 5.98 chains; thence south 4 degrees and 15 minutes east 6 chains; thence south 33 degrees and 55 minutes east 4.31 chains; thence south 40 degrees east 5.98 chains; thence south 46 degrees and 30 minutes east 4.48 chains; thence south 60 degrees and 45 minutes east 6.37 chains; thence south 78 degrees and 15 minutes east 2.27 chains to a stone corner at the northwest corner of the lands

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conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence south 18 degrees and 37½ minutes west a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of Township 30 North, Range 12 East, thence west on said township line 45.75 chains to a gas pipe corner, the place of beginning.

The parcel above described and hereby conveyed contains 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, to which said survey reference is hereby made.

To secure the payment when the same becomes due, of 1 certain promissory note of the said Laffer C. Poland for the sum of \$5000.00, dated April 1st, 1923, and payable to the said E. L. Savage, Trustee, or order, at the Lincoln National Bank, Ft. Wayne, Indiana, on or before April 1st, 1925, together with interest thereon at the rate of 6% per annum, payable semi-annually until maturity and 8% thereafter, and attorney fees.
Recorded April 18, 1923. Mortgage Record 260, page 457.

September 1, 1924. LAFFER C. POLAND AND CORA J. POLAND, husband and wife, of Paulding County, Ohio, convey and warrant to the MAUMEE VALLEY LAND COMPANY, a corporation of Fort Wayne, Indiana, incorporated under and by virtue of the laws of Indiana; for and in consideration of the sum of \$1.00 and other valuable considerations, the following described real estate situated in Wayne Township, Allen County, Indiana, described as follows, to-wit:

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That part of Richardville Reserve West of the St. Marys River and of Beaubien Reserve, in Township No. 30 North, Range 12 East, in Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the south boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located north 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Record in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes west 21.76 chains to a stone corner; thence North 25 degrees

and 7 minutes East 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence south 29 degrees and 15 minutes West 2.78 chains; thence south 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer, by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in deed record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the Southern boundary line of Township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning.

The parcel above described and hereby conveyed, contains 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, to which said survey reference is hereby made.

It being intended to include in this conveyance all of the lands including to the middle or thread of the St. Mary's River now owned by the grantors, situated in the Reserves above mentioned, lying and being North of the South line of the said Wayne Township, as the said South line of said Wayne Township is indicated and shown on said survey.

Said parcel above mentioned and hereby conveyed being situated in the reserves above mentioned and lying and being North of the South line of said Wayne Township as the said South line of said Wayne Township is indicated and shown on said survey;

together with all and singular the tenements and appurtenances thereto or in anywise appertaining, and the rents, issues and profits thereof.

This conveyance is made subject to the lien of a certain mortgage for \$9000.00, heretofore made and delivered by the grantors herein to The First Joint Stock Land Bank of Fort Wayne, Indiana, dated the 1st day of July, 1922, and recorded in Volume 249, at page 546 of the Record of Mortgages of Allen County, Indiana; and subject also to the lien of a certain mortgage for \$5000.00, given by the grantors herein to E. L. Savage,

as Trustee, dated April 1st, 1923, and all interest thereon and all taxes and assessments levied and assessed against said lands, all of which the said grantee above named hereby assumes and agrees to pay.

(Revenue Stamps \$1.00)

Laffer C. Poland

Cora J. Poland

Signed and acknowledged in the presence of us

Mary E. Howard
F. Thos. Kuin

Acknowledged September 1, 1924 by Laffer C. Poland and Cora J. Poland, husband and wife, before F. Thos. Kuin, Notary Public, Paulding County, State of Ohio. (Notary Seal)

Recorded February 7, 1925. Deed Record 293, page 414.

November 11, 1924. Know all men by these presents: That whereas, the Maumee Valley Land Company, a corporation, being indebted to divers persons in various sums of money, and being unable at this time to make payments of its debts in full, and being desirous that none of its just creditors shall have preference over others of said creditors in payment of their several claims, is desirous of conveying all of its said property for the benefit of its creditors, without any preference or priority.

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Now, Therefore, the said MAUMEE VALLEY LAND COMPANY, in consideration of the premises and \$1.00 to it paid by Joseph F. Cavanagh, the receipt whereof is hereby acknowledged, have granted, sold, assigned, transferred and set over, and by these presents do hereby grant, bargain, sell, convey and assign and transfer unto the said JOSEPH F. CAVANAGH, his successors and assigns forever, the following described real estate situate in the - - State of Indiana, County of Allen, to-wit: - - With other Real Estate - -

That part of Richardville Reserve West of the St. Marys River and of Beaubien Reserve in township No. 30 North, Range 12 East, Wayne Township, in Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the south boundary line of township 30 north, range 12 east, said gas pipe corner being located north 34 degrees and 15 minutes west 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which deed is recorded in Deed Record 35, page 94 of the Deed Record in the Recorder's Office of Allen County, Indiana, thence North 34 degrees and 15 minutes west 21.76 chains to a stone corner; thence north 25 degrees and 7 minutes East 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in deed record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the Southern boundary line of Township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning.

The parcel above described and hereby conveyed contains 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, to which said survey reference is hereby made.

Together with all the issues, rents, profits, hereditaments and appurtenances thereto;

Also all and singular all the goods, chattels, stocks, promissory notes, debts, choses in action, evidences of debts, claims, demands, property and effects of every description belonging to said Maumee Valley Land Company, wherever the same may be situated, be the same real, personal or mixed.

This conveyance, assignment and delivery to the said Joseph F. Cavanagh being made in trust, nevertheless, for the benefit of the creditors of said Maumee Valley Land Company, to be by him, the said Joseph F. Cavanagh, administered over and according to

the requirements and provisions of the assignment and insolvent laws in such case made and provided.

To have and to hold the above granted property unto the said Joseph F. Cavanagh, his successors and assigns forever in trust, to sell and dispose of the said real and personal property, and to collect, sue for, demand, receive and recover all such sums of money as may be or become due, owing or payable on said promissory notes, debts, choses in action, evidences of debts, claims and demands, and then in trust to apply the proceeds arising from the same as follows:

First. To pay the lawful costs and expenses of executing the trust hereby created, including reasonable attorney's fees for legal advice in regard to the formation of the trust, and for drawing this deed of trust.

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Second. To pay to each and all of its creditors the full sums that may be due and owing to them by it; provided however, that if there shall not be sufficient funds with which to pay all its said debts, then the said debts are to be paid ratably and in proportion.

Third. If the proceeds as aforesaid shall be more than sufficient to pay and satisfy every one of its creditors, then to pay and return to it the balance that may be left, if any, after paying all of its creditors as aforesaid.

(Corporate Seal)

Maumee Valley Land Company

Executed in presence of
John S. Snook
Clara M. Wiegel

By Charles E. Hyman, its President
Attest: Emmett L. Savage, Secretary

The State of Ohio, County of Paulding, SS:

On the 11th day of November, 1924, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Charles E. Hyman, President and Emmett L. Savage, Secretary, respectively of the Maumee Valley Land Company, to me personally known to be such officers as aforesaid, and who are to me personally known to be the identical persons who executed the within and

foregoing deed and who duly acknowledged that said instrument was signed and sealed with the corporate seal of said Maumee Valley Land Company, in behalf of said Company, by the direction and authority of said Company, and pursuant to a resolution duly adopted by the Board of Directors thereof on the first day of September, 1924, and that the said execution of said instrument was their voluntary act and deed and the voluntary act and deed of said Maumee Valley Land Company, for the purposes therein expressed.

In Testimony Whereof, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

(Notary Seal) John S. Snook, Notary Public,
Paulding County, Ohio.

I hereby accept the trust created by the above instrument and agree faithfully to perform the same.

Dated: This 11th day of November, 1924.

Joseph F. Cavanagh

Recorded November 12, 1924. Deed Record 292, page 141.

Emmett L. Savage, Trustee
Plaintiff

vs. 28964

Joseph F. Cavanagh, Trustee
Joseph F. Cavanagh, Assignee
Joseph F. Cavanagh
Maumee Valley Land Company
Defendants

Superior Court of Allen County

Complaint on Note and to
Foreclose Mortgage and
for the appointment of a
Receiver,

Demand \$7000.00

59 The plaintiff, Emmett L. Savage, as Trustee, complains of the defendants, Joseph F. Cavanagh, Trustee, and Joseph F. Cavanagh, Assignee, as hereinafter alleged, Joseph F. Cavanagh, and the Maumee Valley Land Company, a corporation organized under the laws of the State of Indiana, and avers:

That on the 1st day of April, 1923, one Laffer C. Poland, for value received, executed and delivered to the plaintiff, Emmett L. Savage, as Trustee, by the name of E. L. Savage, Trustee, his promissory note, dated April 1, 1923, for the sum of \$5000.00, and which said note is due and payable at the Lincoln National Bank of Fort Wayne, Indiana, on the 1st day of April, 1925, and is payable with interest at the rate of six per cent per annum from said date, payable semi-annually until maturity, and payable with interest at the rate of eight percent per annum after maturity, and is payable with Attorney fees and without relief from valuation and appraisement laws, and that said Laffer C. Poland is the same

L. C. Poland whose name is subscribed to said note as maker of said note, a copy of which said note is attached hereto and made a part hereof, marked Exhibit "A".

That on the 1st day of April, 1923, said Laffer C. Poland and Cora J. Poland, his wife, executed and delivered to the plaintiff, Emmett L. Savage, as Trustee, by the name of E. L. Savage, as Trustee, to secure the payment of the note above described, a mortgage on the real estate hereinafter and in said mortgage described, and of which said real estate said Laffer C. Poland was, at the time of the execution and delivery of said mortgage, the owner in fee-simple, and which said real estate is situated in Allen County, State of Indiana, and is described as follows, to-wit:

That part of Richardville Reserve West of the St. Marys River and of the Beaubien Reserve, in Township No. 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located North 34 degrees 15 minutes West 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in deed record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the Southern boundary line of Township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning.

The said parcel of real estate contains 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of said Allen County, Indiana, and is bounded on the South by the South line of said Township 30 North, Range 12 East, as shown on said survey, and said parcel extends East and includes to the middle or thread of said St. Marys River, and to which said survey reference is hereby made.

That the mortgage above mentioned, a copy of which is attached hereto and made a part hereof, marked Exhibit "B", was recorded on the 18th day of April, 1923, and is set out and appears in Book 260, page 457 of the Mortgage Records in the Recorder's Office of said Allen County, Indiana.

That said mortgage contains the following provision: "upon failure to pay any one of said notes, or any part thereof, at maturity or the interest thereon, or any part thereof, when due, or the taxes or insurance as hereinafter stipulated, then all of said notes are to be due and collectible, and this mortgage may be foreclosed accordingly. And it is further expressly agreed, that until all of said notes are paid, said mortgagors will keep all legal taxes and charges against said premises paid as they become due, and will keep all buildings thereon insured for the benefit of the mortgagee, as his interest may appear and the policy duly assigned to the mortgagee to the amount of _____ and failing to do so, said mortgagee may pay said taxes or insurance, and the amount so paid, with eight per cent interest thereon, shall be a part of the debt secured by this mortgage."

59 And the plaintiff further avers that the second installment of the taxes for the year 1923, due and payable on or before the first Monday of November, 1924, legally levied and assessed for State, County and Township purposes, against the Real Estate above herein described, and which said installment of taxes amounted to the sum of \$120.90, and constitutes a valid and prior lien on said real estate, were not paid by the defendants, and have been allowed to go delinquent, and that said real estate was advertised for sale to pay the same, together with penalty and costs, the same amounting to the sum of \$134.09, and which said sum of \$134.09 the plaintiff paid on the 26th day of January, 1925, and that the said sum of \$134.09, together with interest thereon at the rate of 8% per annum from the date of the payment thereof, by the plaintiff, as above stated, is and constitutes a part of the claim due the plaintiff under plaintiff's above mentioned mortgage, and that on account of the failure of the defendants to pay the taxes above mentioned when due, the entire debt secured by the mortgage above mentioned became due and collectible, including the note above described, and said mortgage became foreclosable and liable to be at once foreclosed.

And plaintiff further avers that prior to the institution of this suit, on account of the facts above and hereinafter alleged, the plaintiff declared the note above mentioned and the debt by said mortgage secured to be due and collectible, and said mortgage to be foreclosable, and that the plaintiff has employed an Attorney to collect the said note and debt due plaintiff, herein mentioned, and to foreclose said mortgage, and that \$300.00 for the services of said Attorney in so doing, is a reasonable fee, and that said Attorney fee is a part of the debt due plaintiff, secured by and under said mortgage.

That the plaintiff, on the 26th day of January, 1925, and prior to the institution of this suit, also paid the first installment of the taxes, legally levied and assessed against the real estate above described, for State, County and Township purposes, for the year 1924, the same amounting to the sum of \$109.27 and which is also a part of the debt due the plaintiff secured by said mortgage.

And the plaintiff further avers that Laffer C. Poland above mentioned and Cora J. Poland, his wife, after the execution of the mortgage above herein mentioned, conveyed the real estate above described to the defendant, Maumee Valley Land Company, a

corporation organized under the laws of the State of Indiana, by deed by them duly executed, and which said deed is dated September 1, 1924, and was recorded on the 7th day of February, 1925, and appears of Record in Book 293, page 414 of the Deed Records in the Recorder's Office of said Allen County, Indiana.

That by the terms of said deed, the grantee thereof agreed to pay the mortgage above herein mentioned, and the note of \$5000.00 thereby secured, above herein mentioned, and interest thereon, and also the taxes above herein mentioned, and also all other taxes and assessments thereafter payable, as the same become due and also the first mortgage then and now a valid lien on said real estate, given to the First Joint Stock Land Bank of Fort Wayne, Indiana, for \$9000.00 and interest thereon, and which said first mortgage of \$9000.00 is dated the 1st day of July, 1922, and recorded on the 3rd day of July, 1922, and appears of record in Deed Record 249, page 546 of the Mortgage Records above mentioned, and both of which said mortgages the grantee of said deed, in consideration of the said deed, assumed and agreed to pay, and that the clause contained in said deed, providing for the assuming of said mortgages and the agreement of the grantee of said deed to pay the same is made a part of this complaint, and is in the words and figures following, to-wit:

"This conveyance is made subject to the lien of a certain mortgage for \$9000.00, heretofore made and delivered by the grantors herein to The First Joint Stock Land Bank of Fort Wayne, Indiana, dated the 1st day of July, 1922, and recorded in Volume 249, page 546 of the Record of Mortgages of Allen County, Indiana, and subject also to the lien of a certain mortgage for \$5000.00, given by the grantors herein to E. L. Savage, as Trustee, dated April 1, 1923, and all interest thereon, and all taxes and assessments levied and assessed against said lands, all of which the said grantee above named, hereby assumes and agrees to pay."

59

And the plaintiff further avers that the said Maumee Valley Land Company, by deed dated November 11, 1924, conveyed to the defendant, Joseph F. Cavanagh, the real estate above herein described, as Trustee, for the benefit of the creditors of said corporation, and as Assignee for the benefit of the creditors of said Corporation as in said deed set out and stipulated, and which said deed was recorded on the 12th day of November, 1924, and appears in Book 292, pages 141 to 146 of the Deed Records above mentioned.

And the plaintiff further avers that the grantee of said deed above named never qualified under said deed as "Assignee" as required to do under the laws of the State of Indiana, and failed to comply with the law applicable to assignments, and that the rights of the grantee of said deed as such, and as Trustee and Assignee, under the terms of said deed, and the rights of all persons claiming under said deed and the terms thereof or under the grantee of said deed, are junior and inferior to plaintiff's said mortgage and claim, and that said deed is null, void and of no effect as to the real estate above described, as against the plaintiff, and that the rights and claims of all of the defendants in and to the real estate above described are subsequent and junior to plaintiff's said mortgage and claim.

And plaintiff further avers that there is due the plaintiff from the defendant, the Maumee Valley Land Company, on the note for \$5000.00 above herein mentioned, the sum of \$5000.00, together with interest on said sum at 6% per annum, from October

1st, 1924, and also the sum of \$134.09 and \$124.13 above mentioned, for taxes paid by the plaintiff as above alleged, together with interest thereon at the rate of 8% per annum from the 26th day of January, 1925, and also the sum of \$300.00 for Attorney fees, making a total of \$7000.00, and all of which is due and wholly unpaid. That plaintiff paid the taxes above mentioned to protect his security.

And the plaintiff further avers that the real estate above described is of the value of not to exceed the sum of \$12,000.00 and that the liens thereon herein mentioned, and including the balance due on the first mortgage of \$9000.00 above mentioned, to-wit: the sum of \$8811.78 plus interest from July 1, 1924, and which said interest amounts to more than \$300.00, making together, a total unpaid on said mortgage in excess of \$9100.00, and including the claim of \$7000.00 above mentioned, due the plaintiff, on plaintiff's said mortgage and plus unpaid taxes now a lien on said real estate will make a total in excess of \$16,100.00, and that the said claims and liens are considerably in excess of the value of said real estate, and that the plaintiff's security is accordingly wholly inadequate.

That the second installment of taxes for the year 1924, levied and assessed against said real estate, will be due and payable before, and the taxes for 1925 will attach as a lien on said real estate before the year of redemption, hereinafter mentioned, expires.

That the defendant, the Maumee Valley Land Company, is insolvent, and that none of the defendants are occupying said real estate, nor in the actual possession thereof.

59 And the plaintiff further avers that said real estate is used and is suitable to be used for farming purposes, and that the house thereon situated can be rented out, and that the rental value of said Real Estate is in excess of \$500.00 per annum, and that the plaintiff is entitled to have a Receiver appointed to rent out said Real Estate and to collect the rents derived from the same until a sale can be had of said real estate to make assets to pay plaintiff's said claim, and also to act as Receiver during the year of redemption from said sale, and that the plaintiff is entitled to have the rents applied on plaintiff's above mentioned claim, and said taxes.

Wherefore, the plaintiff prays the Court for judgment against the defendant, the Maumee Valley Land Company, in the sum of \$7000.00, payable without relief from valuation and appraisalment laws, and that plaintiff's mortgage above herein mentioned be foreclosed against the defendants to this action and each and all of them, and all persons claiming under them, and all persons claiming under the deed above herein mentioned, recorded in Deed Record 292, pages 141 to 146, and that said mortgaged premises be ordered sold by the Sheriff of Allen County, Indiana, as provided by law, to make assets to pay plaintiff's said claim and costs, and that a receiver be appointed to take charge of said mortgaged Real Estate until a Sale can be had, and also during the year of redemption, and that the Receiver rent out said Real Estate, and collect the rents and apply the same on plaintiff's said claim, and to pay taxes assessed and levied against said Real Estate as the same may hereafter become due and be payable, and the plaintiff prays for all further proper relief.

C. W. Kuhne,
Attorney for Plaintiff.

State of Indiana, County of Allen, SS:

The undersigned, being duly sworn on oath, deposes and says that the undersigned is the plaintiff in the above entitled cause, and that the facts averred in the foregoing complaint are true.

Emmett L. Savage, Trustee

Subscribed and sworn to before me, this 16th day of February, 1925.

(Notary Seal) H. R. Kuhne
Notary Public

(Copy of Note, Exhibit "A", and of the Mortgage, Exhibit "B", shown at No. 56 of Abstract, are attached to Complaint.)

Endorsed on back of Complaint appears the following: Clerk issue summons to the Sheriff of Allen County, Indiana, for all of the defendants, returnable the 27th day of February, 1925.

Filed February 16, 1925. With Papers in Box 2965.

Summons

State of Indiana, Allen County, SS:
State of Indiana, to the Sheriff of Allen County, Greeting:

You are hereby commanded to summon Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh, and Maumee Valley Land Company, to personally be and appear before the Judge of the Superior Court of Allen County, on the 27th day of February, 1925, at the Court House, in the City of Fort Wayne, in said County, to answer to the complaint of Emmett L. Savage, Trustee, in an action on a note, and to foreclose mortgage, and for the appointment of a Receiver, demand \$7000.00, and of this summons make due return.

Witness, the Clerk of said Court and the seal thereof, this 16th day of February, 1925.

60 (Official Seal) Elmer Sturm, Clerk.

Sheriff's Return:

Came to hand the 16th day of February, 1925. Served the within writ by reading same to and within the hearing of Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh, and by leaving a true copy thereof with each, and on Maumee Valley Land Company by reading same to and within the hearing of Charles E. Hyman, its President, the highest officer of said Corporation in said County, found in my bailiwick, and by leaving a true copy thereof with him, this the 16th day of February, 1925.

Henry Marlin, Sheriff,
Allen County, Indiana.

On File with Papers in Box 2965.

Emmett L. Savage, Trustee
Plaintiff

vs. 28964

Joseph F. Cavanagh, Trustee
Joseph F. Cavanagh, Assignee
Joseph F. Cavanagh
Maumee Valley Land Company
Defendants

Superior Court of Allen County

Answer

61

The defendant, Joseph F. Cavanagh, Trustee, as Trustee, the defendant, Joseph F. Cavanagh, Assignee, as Assignee, the defendant, Joseph F. Cavanagh, as an individual, and the defendant, Maumee Valley Land Company, by its Attorney, Joseph F. Cavanagh, hereby severally and separately, for answer to plaintiff's complaint, deny each and every material allegation in said complaint set out and contained.

Joseph F. Cavanagh, Trustee
Joseph F. Cavanagh, Assignee
Joseph F. Cavanagh

Maumee Valley Land Company

By Joseph F. Cavanagh,
its Attorney.

On File with Papers in Box 2965.

Emmett L. Savage, Trustee

va. 28964

Joseph F. Cavanagh, Trustee
Joseph F. Cavanagh, Assignee
Joseph F. Cavanagh
Maumee Valley Land Company

Superior Court of Allen County

62

March 9, 1925. Comes now the plaintiff, Emmett L. Savage, Trustee, by C. W. Kuhne, his Attorney, and it appearing to the satisfaction of the Court by the summons issued in this cause, and the return of the Sheriff endorsed thereon, that the defendants, Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh, and Maumee Valley Land Company, and each and all of them, were duly and properly served with process and notice herein, more than ten days before the day fixed by the plaintiff, by endorsement on his complaint, for the defendants to appear and answer and which said summons and the return of the Sheriff endorsed thereon is in the words and figures following, to-wit: (Summons shown at No. 60, also set out in Record). And come now the defendants, Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh, and the defendant, Maumee Valley Land Company,

a corporation, by its Attorney, Joseph F. Cavanagh, and severally and separately file herein answer of general denial to plaintiff's complaint, and which said answer is in the words and figures following: (Answer shown at No. 61, also set out in Record).

And this cause being at issue and a jury being waived, is now submitted to the court for trial, and the court having heard the evidence, and being fully advised in the premises, finds for the plaintiff that all of the material allegations set out and alleged in plaintiff's complaint are true, and the court further finds that there is due the plaintiff on the note and mortgage debt sued on herein, the sum of \$5706.72, including Attorney fees and interest to this date, payable without relief from valuation and appraisement laws, the Court further finds that after the execution of the note and mortgage sued on herein, Laffer C. Poland, the then owner of the real estate in said mortgage described, conveyed said Real Estate to the defendant, the Maumee Valley Land Company, a corporation, by deed dated September 7, 1925, recorded in Book 293, page 414 of the Deed Records aforesaid, and that said Corporation, as a part of the consideration for said conveyance, and by the terms of said deed, assumed and agreed to pay the said mortgage and the note thereby secured, and that the plaintiff is entitled to recover from said Maumee Valley Land Company, the amount above mentioned, due and unpaid on the note and mortgage mentioned and described in plaintiff's complaint, together with his costs in this action, and that the plaintiff is further entitled to foreclose the mortgage in his complaint mentioned against the defendants and each and all of them, and the court further finds that said mortgaged real estate is not of sufficient value to pay and satisfy the said mortgage debt, and that plaintiff's security is inadequate and that the defendant, Maumee Valley Land Company is insolvent, and has no other property subject to execution, and that the defendants are

not in the actual possession of said real estate and do not occupy the same, and that the plaintiff is entitled to have a Receiver appointed to take possession and charge of said real estate and to collect the rents derived therefrom until a sale of said real estate by the Sheriff can be had to make assets to pay plaintiff's said mortgage claim and during the year of redemption in case said real estate should not bring sufficient to pay in full the plaintiff's said claim and costs, and that the plaintiff is entitled to all of the relief prayed for in this complaint.

It is, therefore, considered, adjudged and decreed by the Court that the plaintiff, Emmett L. Savage, Trustee, have and recover from the defendant, Maumee Valley Land Company, the sum of \$5706.72, together with his costs laid out and expended, taxed in this cause, without any relief from valuation and appraisement laws. The judgment to bear interest at the rate of 8% interest from the rendition thereof until paid.

62 It is further considered, adjudged and decreed by the Court that the equity of redemption of the defendants to this action and each and all of them, and all persons and corporations claiming from, under or through them, be and the same is hereby forever barred and foreclosed in and to the real estate in plaintiff's complaint, and the mortgage herein mentioned described, and which said real estate is situated in Allen County, State of Indiana, and is described as follows:

That part of Richardville Reserve West of the St. Marys River and of the Beaubien Reserve in Township No. 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, described as: Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located North 34 degrees 15 minutes West 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the centerline of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road

17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, and recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the Southern boundary line of township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning.

The said parcel of real estate contains 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of said Allen County, Indiana, and is bounded on the south by the south line of said Township 30 North, Range 12 East, as shown on said survey and said parcel extends East and includes to the middle or thread of said St. Mary's River, and to which said survey reference is made.

62 And it is further considered, adjudged and decreed by the court that the real estate above described, and all of the right, title, interest and claim of the defendants to this action and each and all of them, and of all persons and corporations claiming from, under or through them, or so much of said real estate as may be necessary for that purpose, shall be sold by the Sheriff of Allen County, State of Indiana, after duly advertising the same, in like manner as lands are sold on execution issued on judgments at law, such sale to be made without any relief whatever from valuation and appraisal laws, and the proceeds arising from such sale the Sheriff is ordered and directed to apply in the manner following. to-wit:

First, to pay all costs accrued in this cause, and the costs of said sale.

Secondly, to the payment of the amount due the plaintiff as found in this judgment and decree, with interest thereon as aforesaid.

The surplus, if any, remaining after payment of the foregoing judgment, interest and costs, to be paid by the Sheriff to the Clerk of this court for the use of the party lawfully entitled and authorized to receive the same.

In the event said mortgaged premises shall fail to sell for a sum sufficient to pay and satisfy said judgment, interest and costs, the residue thereof remaining unpaid shall be levied of the goods and chattels, lands and tenements of said defendant, Maumee Valley Land Company, subject to execution, and sale thereof shall be made without relief from valuation and appraisement laws.

It is further decreed and ordered by the court that Lincoln National Company be and hereby is appointed by the court Receiver herein, to take possession and charge of the real estate above described and to collect and receive the rents derived from said real estate and hold the same until the further order of court.

Superior Order Book 51, pages 351-354.

Emmett L. Savage, Trustee

vs. 28964

Joseph F. Cavanagh, Trustee
Joseph F. Cavanagh, Assignee
Joseph F. Cavanagh
Maumee Valley Land Co.

} Superior Court of Allen County
} March 9, 1925.

} Defendant Maumee Valley Land
} Co. for \$5706.72 and costs
} and against all defendants
} for foreclosure.

March 25, 1925. O. S. #5845 issued to Sheriff, Allen County.

April 29, 1925. O. S. #5845 returned partly satisfied.

Costa paid.

Elmer Sturm, Clerk

Superior Judgment Docket 20, page 188.

Return to O. S. #5845 issued 3/25/25. (Refer to Judgment at foregoing item)

April 28, 1928. This order of sale returned partly satisfied. Ralph S. Hyman received the court docket for \$2913.00 and paid in \$87.00 for costs in full, which was paid out as follows:

News Pub. Co., - \$26.00, to County Clerk, - \$10.50. Retained as Sheriff's Fees \$50.50. This 28th day of April, 1925.

Henry Marlin, Sheriff, Allen Co.

Superior Execution Docket 7, page 113.

No further return endorsed in record nor attached to original O. S. #5845.

The following receipt is endorsed on original O. S. #5845:

Received of Henry Marlin, Sheriff of Allen County, State of Indiana, the sum of \$2913.00 to apply on the annexed and within mentioned judgment and order of sale.

This 28th day of April, 1925.

Emmett L. Savage, Trustee,
Plaintiff

By C. W. Kuhne, his attorney.

On File with Papers in Box 2965.

Sheriff's Certificate of Sale

I, Henry Marlin, Sheriff of Allen County, in the State of Indiana, certify that I have this day sold, by virtue of Order of Sale to me directed from the Clerk of the Superior Court of Allen County, Indiana, issued on the 21st day of March, 1925, in a case wherein Emmett L. Savage, Trustee was plaintiff, and Joseph F. Cavanaugh, Trustee, Assignee, et al were defendants, wherein judgment was rendered on the 9th day of March, 1925, for \$5706.72 principal and interest to date of judgment, and the further sum of \$10.50 costs accrued to that date, upon which there has accrued \$47.55 interest and \$76.50 costs, making in all ____ principal and interest and ____ costs to date of sale, making total amount due \$5841.27. And the said Henry Marlin, as Sheriff aforesaid, advertised for sale according to law upon the following described real estate as property of Joseph F. Cavanaugh, Trustee, Assignee, et al, on the 25 day of March, 1925, to-wit:

That part of Richardville Reserve West of the St. Mary's River and of the Beaubien Reserve in Township No. 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located North 34 degrees 15 minutes West 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the North West corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the Southern Boundary line of Township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning. The said parcel of real estate contains 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of said Allen County, Indiana, and is bounded on the South by the South line of said Township 30 North, Range 12 East, as shown on said survey, and said parcel extends East and includes to the middle or thread of said St. Mary's River, and to which said survey reference is hereby made.

And said sale was set for 28 day of April, 1925, and the said Henry Marlin, Sheriff as aforesaid did, upon said day, between the hours prescribed by law, at the door of the Court House of Allen County, offer for sale at public auction, the rents and profits of said real estate for a term not exceeding seven years, and receiving no bid therefor he did then and there offer for sale at public auction the fee simple of said real estate, and Ralph S. Hyman having bid the sum of \$3000.00 and no person bidding more, the same was in due form openly struck off to the said Ralph S.

Hyman, he being the highest and best bidder therefor, and that being the highest and best price bid for the same; and the said Ralph S. Hyman paid the amount so bid by him.

The aforesaid Certificate will entitle the said Ralph S. Hyman, the purchaser of said real estate as aforesaid, to a deed in fee simple to said premises in one year from the day of sale, if the same is not redeemed by any person entitled thereto, paying the purchase money with 8% interest per annum before the expiration of one year from the day of sale aforesaid.

Henry Narlin, Sheriff of Allen County

April 28th, 1925.

By Lester E. Garman, Deputy.

Sheriff's Certificate of Sale Record 3, page 549.

65 On Margin: Oct. 30, 1925. Received of Ralph S. Hyman, the owner of the within certificate, the sum of \$109.28, the amount of the 2nd Inst. Taxes 1924, assessed against the R. E. described in the Cert. & which said sum is this day by me paid to the Treasurer, Allen Co. Elmer Sturm, Clk.

\$139.65. April 6, 1926. Rec'd. of Ralph S. Hyman, the owner of the within certificate, the sum of \$139.65, the amount of the 1st Inst. taxes 1925, assessed against the R. E. described in the Cert. & which said sum is this day by me paid to the Treasurer, Allen Co. Elmer Sturm, Clk.

Emmett L. Savage, Trustee	}	Superior Court of Allen County
vs. 28964		
Joseph F. Cavanagh, et al		

66 May 1, 1926. Comes now the Receiver, and files Final Report herein in these words (H1). And which Final Report is now by the Court approved. And the Court now orders the Receiver herein to pay to Emmett L. Savage, Trustee, the balance of \$700.55, and comes now the receiver herein and shows to the Court the payment to said Savage, and said Receiver herein is now by the Court discharged.

(Report of Receiver showing that balance in his hands was paid to plaintiff, Emmett L. Savage, Trustee, to apply on plaintiff's judgment, on file with Papers in Box 2965.)

This Indenture, made this 30th day of April, 1926, between Henry Marlin, Sheriff of Allen County, in the State of Indiana, of the first part, and Ralph S. Hyman, of the County of St. Joseph, State of Indiana, of the second part, witnesseth:

That Whereas, at the January Term of the Superior Court of Allen County, Indiana, 1926, Emmett L. Savage, Trustee, recovered by judgment of said Court in a certain action therein against Joseph F. Cavanagh, Trustee, et al, for the sum of \$5706.72 for damages, together with the further sum of \$10.50 for costs in that behalf expended, and a decree for the sale of all the interest, right and title of the defendants, Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh and Maumee Valley Land Company, in and to certain real estate described therein as follows, viz:

That part of Richardville Reserve West of the St. Mary's River and of the Beaubien Reserve, in Township No. 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located North 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes east 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes east along the center line of said road 17.09 chains; thence north 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone corner; thence north 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes west 2.78 chains; thence south 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes east 6 chains; thence south 33 degrees and 55 minutes East 4.31 chains;

thence south 40 degrees east 5.98 chains; thence south 46 degrees and 30 minutes East 4.48 chains; thence south 60 degrees and 45 minutes east 6.37 chains; thence south 78 degrees and 15 minutes East 2.27 chains to a stone corner at the North West corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid, thence south 18 degrees and 37½ minutes west a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of Township 30 North, Range 12 East; thence west on said Township line 45.75 chains to a gas pipe corner, the place of beginning.

The said parcel of real estate contains 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of said Allen County, Indiana, and is bounded on the South by the South line of said Township 30 North, Range 12 East, as shown on said Survey, and said parcel extends East and includes to the middle or thread of said St. Marys River, and to which said survey, reference is hereby made.

All without any relief whatever from valuation or appraisal laws, as by the record thereof remaining in said Court more fully appears.

67 And Whereas, Afterwards, to-wit: On the 21st day of March, 1925, a copy of said judgment and decree was duly issued under the seal of said Court, attested by the Clerk thereof, directed to the Sheriff of said County, commanding him that after due and legal notice of the time and place of making the same, he should sell the land above described, with all interest, estate, right and title of the defendants, Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh and Maumee Valley Land Company therein, or so much and such parts thereof as might be necessary, according to the terms of said decree, to pay and satisfy the judgment aforesaid, with the interest and cost thereon, and that he should, in like manner, also make and return all interest and accruing cost thereon, and make due return of said writ to the Clerk's Office at the expiration of one hundred and eighty days from the date of the same.

And Whereas, said copy of judgment and order of sale, on the 25th day of March, 1925, came to the hands of the Sheriff of said County to be executed, and the said Sheriff as aforesaid, having legally advertised the same did, on the 28th day of April, 1925, at the Court House door in said county, between the hours prescribed

by law, 'at public auction, first expose to sale the rents and profits for a term not exceeding seven years of said estate of said Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh and Maumee Valley Land Company, in and to said real estate, and no person bidding for the same, he then offered at public auction aforesaid, all the right, title and interest in fee simple of the said Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh and Maumee Valley Land Company, in and to said real estate, and Ralph S. Hyman did then and there bid the sum of \$3000.00 and no person bidding more, the same was in due form openly struck off and sold to the said Ralph S. Hyman for the said sum of \$3000.00, he being the highest bidder, and that being the highest price bid for the same.

67 And Whereas, also, on said 28th day of April, 1925, as required by law, said Sheriff executed to said purchaser a certificate setting forth the foregoing facts with the conditions appended that if said premises were not redeemed within one year from the date thereof, by payment of the purchase money, with 8% interest thereon by said judgment defendants, Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh and Maumee Valley Land Company, their heirs or assigns, to said purchaser, his heirs or assigns, said Ralph S. Hyman or his assigns would be entitled to a deed of conveyance thereof.

Now, therefore, to confirm to said Ralph S. Hyman, the sale so made as aforesaid, the said HENRY MARLIN, as SHERIFF as aforesaid, in consideration of said sum of \$3000.00 to him in hand paid by said Ralph S. Hyman, the receipt whereof is hereby acknowledged, and of the non-redemption of said Joseph F. Cavanagh, Trustee, Joseph F. Cavanagh, Assignee, Joseph F. Cavanagh and Maumee Valley Land Company, as provided by law, hath granted, bargained and sold, and doth, by these presents, grant, bargain, sell, convey and confirm to the said RALPH S. HYMAN, his heirs and assigns forever, all the following real estate situate in the County of Allen, State of Indiana, to-wit:

That part of Richardville Reserve West of the St. Mary's River and of the Beaubien Reserve, in Township No. 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East. Said gas pipe corner being located North 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes east 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence south 29 degrees and 15 minutes West 2.71 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the North West corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid, thence South 18 degrees and 37 1/2 minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of Township 30 North, Range 12 East; thence west on said Township line 45.75 chains to a gas pipe corner, the place of beginning.

The said parcel of real estate contains 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of said Allen County, Indiana, and is bounded on the South by the South line of said Township 30 North, Range 12 East, as shown on said Survey and said parcel extends East and includes to the middle or thread of said St. Marys River, and to which said survey reference is hereby made.

To have and to hold, all and singular, the premises aforesaid, with the privileges and appurtenances, to the said Ralph S. Hyman, his heirs and assigns forever, in as full and ample a manner as the same was held immediately before the execution of the mortgage mentioned in said decree foreclosing the same.

In Witness Whereof, the said Henry Marlin, as Sheriff as aforesaid, has hereunto set his hand and seal, the day and year

above written.

(Official Seal) Henry Marlin, Sheriff of Allen County (Seal)

Acknowledged April 30, 1926 by Henry Marlin, Sheriff, before Elmer Sturm, Clerk, Allen County, State of Indiana. (Official Seal)

Recorded May 22, 1926. Deed Record 303, page 198.

July 21, 1928. RALPH S. HYMAN AND DARE HYMAN, his wife, convey and warrant to MILAN FARM COMPANY, a corporation, of Lucas County, Ohio, for the sum of \$1.00 paid and other valuable and sufficient consideration moving to the grantors, the following Real Estate in Allen County, in the State of Indiana, to-wit:

That part of Richardville Reserve West of the St. Mary's River and of the Beaubien Reserve in Township number 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, described as follows:

Commencing at a gas pipe corner set on the South boundary line of township 30 north, range 12 east. Said gas pipe corner being located north 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of the 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes west a distance of 2.41 chains to a gas pipe corner intersecting with the Southern Boundary line of Township 30 North, Range 12 East, thence West on said township line 45.75 chains to a gas pipe corner, the place of beginning.

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The said parcel of real estate contains 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of said Allen County, Indiana, and is bounded on the south by the south line of said Township 30 North, Range 12 East, as shown on said survey, and said parcel extends East and includes to the middle or thread of said St. Marys River, and to which said survey reference is hereby made.

Subject to taxes and assessments which may be a lien thereon, and subject also to the balance due on the mortgage originally for \$9000.00 and interest, now a lien on said premises, executed by Laffer C. Poland and his wife, dated July 1st, 1922, given to the First Joint Stock Land Bank of Fort Wayne, Indiana, and recorded
68 in Book 249, page 546 of the Mortgage Records in the office of the Recorder of said Allen County, Indiana.

The covenants of warranty of this deed are limited to acts done by the grantors.

Ralph S. Hyman (Seal)

Dare Hyman (Seal)

Acknowledged July 21, 1928 by Ralph S. Hyman and Dare Hyman, his wife, Grantors, before K. E. Michels, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded January 4, 1933. Deed Record 337, page 267.

Articles of Incorporation
of
The Milan Farm Company

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation for profit, under the General Corporation Act of Ohio, do hereby certify:

69 First. The name of said corporation shall be the Milan Farm Company.

Second. The place in Ohio where its principal office is to be located is 735 Board of Trade Building, Toledo, Lucas County.

Third. The purpose or purposes for which it is formed are: Buying, leasing or otherwise acquiring, leasing, encumbering,

exchanging, selling or otherwise disposing of, either for itself or agent for others, real property or any interest therein; of building, erecting, constructing, altering and remodelling houses, buildings or other structures for itself or others on real estate so bought, leased or otherwise acquired, and owning, holding, maintaining, renting, leasing, developing, controlling, borrowing money on, operating, managing for itself or as agent for others, such real estate, and the houses, buildings or other structures thereon; of loaning money upon real estate, and loaning money upon or otherwise acquiring, encumbering, exchanging, selling or otherwise disposing of, either for itself or as agent for others, commercial paper, book accounts, choses in action, contracts for the sale of real property, real estate, mortgages and pledges, and of doing any and all things necessary, incidental or convenient to the carrying on the purposes hereinbefore set forth.

69 Fourth. The maximum number of shares which the corporation is authorized to have outstanding is 500, all of which shall be without par value.

Fifth. The amount of capital with which the corporation will begin business is \$500.00.

In Witness Whereof, we have hereunto subscribed our names, this 13th day of August, 1931.

Charles E. Hyman

Cletus B. Sullivan

William Roose

Acknowledged August 13, 1931 by Charles E. Hyman, Cletus B. Sullivan and William Roose, before Lyman C. Rupp, Notary Public, Lucas County, State of Ohio. (Notary Seal)

United States of America, State of Ohio

Office of the Secretary of State

I, Edward J. Hummell, Secretary of State of the State of Ohio, do hereby certify that the foregoing is an exemplified copy carefully compared by me with the original record now in my offi-

cial custody as Secretary of State, and found to be true and correct, of the Articles of Incorporation of The Milan Farm Company, filed in this office on the 15th day of August, 1931, and recorded in Volume 399, page 440 of the Records of Incorporations.

Witness my hand and official seal at Columbus, Ohio, this 29th day of October, 1945.

(Official Seal) Edward J. Hummel, Secretary of State.
Recorded September 16, 1946. Miscellaneous Record 113, page 440.

State of Indiana, County of Allen, SS:

Cletus B. Sullivan, being first duly sworn upon his oath, says that he is Secretary of the Milan Farms Company, a Corporation organized August 13, 1931, and that its Articles of Incorporation were filed with the Secretary of the State of Ohio, and that there have been no amendments made to the said Articles of Incorporation.

Cletus B. Sullivan

Subscribed and sworn to before me, this 10th day of April, 1935.

(Notary Seal) R. E. Roth
Notary Public

Recorded April 11, 1935. Miscellaneous Record 92, page 554.

State of Indiana, County of Allen, SS:

C. E. Hyman, being first duly sworn upon his oath, states that he is President of the Milan Farm Company, a corporation, grantee in a certain deed from Ralph S. Hyman and Dare Hyman, of record in Book 337, page 267 of the Deed Records of Allen County, Indiana; and affiant knows that the said Milan Farm Company has no outstanding preferred stock.

C. E. Hyman

Subscribed and sworn to before me, this 27th day of March,
1935.

(Notary Seal)

Sylvia Ostertag
Notary Public

Recorded April 11, 1935.

Miscellaneous Record 92, page 554.

State of Indiana, County of Allen, SS:

C. E. Hyman, being first duly sworn upon oath, states that he is President of the Milan Farm Company, grantee named in a certain deed from Ralph S. Hyman and Dare Hyman, of record in Book 303, page 198 of the Deed Records of Allen County, Indiana, and that this affiant knows that neither the Milan Farm Company nor Ralph S. Hyman has been adjudicated a bankrupt at any time within the last ten years, and this affiant knows that there are no existing judgments in any of the Federal Courts and no pending proceedings in any of the Federal Courts against either the said Ralph S. Hyman or Milan Farm Company, that neither Ralph S. Hyman nor the said Milan Farm Company has any outstanding judgments against them in any of the Federal Courts, and that there
72 are no Federal taxes against them which are liens against the real estate described in said deed.

Affiant further states that the said Milan Farm Company has not executed any deed or other instruments effecting the title to said real estate since January 19, 1935 at 8:00 o'clock, A.M., and that the abstract of Dreibelbiss Abstract of Title Company last certified to January 19, 1935 at 8:00 o'clock A.M. and furnished the First Joint Stock Land Bank of Fort Wayne for examination, showed the true condition of the title to the real estate described in the said deed, and that said Milan Farm Company is the owner in fee simple of all that part of said real estate lying North of the South boundary line of Wayne Township, Allen County, Indiana.

C. E. Hyman

Subscribed and sworn to before me, this 27th day of March,
1935.

(Notary Seal)

Sylvia Oatertag
Notary Public

Recorded April 11, 1935.

Miscellaneous Record 92, page 554.

March 27, 1935. MILAN FARM COMPANY, a corporation, of Lucas County,
in the State of Ohio, conveys and warrants to FIRST JOINT STOCK LAND
BANK OF FORT WAYNE, of Allen County, in the State of Indiana, for
and in consideration of \$1.00 and other valuable considerations,
the following described real estate in Allen County, in the State
of Indiana, to-wit:

That part of Richardville Reserve West of the St.
Mary's River and of Beaubien Reserve, in township
No. 30 North, Range 12 East, described as follows:

Commencing at a gas pipe corner set on the South
boundary line of Township 30 North, Range 12 East,
said gas pipe corner being located north 34 degrees
15 minutes west 28.11 chains from a stone corner at
the East corner of 100 acre tract of land described
in the deed executed by August H. Carrier, Guardian,
to Henry Koons, and which said deed is recorded in
Deed Record 35, page 94 of the Deed Records in the
Recorder's Office of Allen County, Indiana; thence
North 34 degrees and 15 minutes west 21.76 chains to
a stone corner; thence north 25 degrees and 7 min-
utes East 38.25 chains to the center line of said
Winchester Road; thence South 18 degrees and 47 min-
utes East along the center line of said road 17.09
chains; thence North 71 degrees 22 minutes East 8.01
chains to a stone corner; thence South 16 degrees
and 30 minutes East 4.57 chains to a stone corner;
thence North 78 degrees and 15 minutes East 12.98
chains to a stone corner; thence south 29 degrees 15
minutes West 2.78 chains; thence south 8 degrees and
26 minutes west 5.70 chains; thence south 1 degree
and 31 minutes west 5.98 chains; thence south 4 de-
grees and 15 minutes east 6 chains; thence south 33
degrees and 55 minutes east 4.31 chains; thence
south 40 degrees east 5.98 chains; thence south 46
degrees and 30 minutes east 4.48 chains; thence
south 60 degrees and 45 minutes east 6.37 chains;
thence south 78 degrees and 15 minutes east 2.27
chains to a stone corner at the Northwest corner of
the lands conveyed to Henry Meyer and John C. Meyer,
by William A. Ewing, Executor, by deed dated Febru-
ary 14, 1874, recorded in Deed Record 62, page 113
to 117 of the Deed Records aforesaid, thence south
18 degrees and 37½ minutes west a distance of 2.41
chains to a gas pipe corner intersecting with the
southern boundary line of township 30 north, range
12 east; thence west on said township line 45.75
chains to a gas pipe corner, the place of beginning,

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containing 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana.

It being the intention of the grantor to convey to the grantee, all that tract of land mortgaged to the grantee by Laffer C. Poland and Cora J. Poland, his wife, on July 1, 1922, and recorded in Mortgage Record 249, page 546 of the Mortgage Records of Allen County, Indiana;

Subject to taxes and assessments now due or to become due hereafter.

Subject also to the unpaid balance of the certain mortgage hereinbefore described, said mortgage being executed by Laffer C. Poland and Cora J. Poland, his wife, for the principal sum of \$9000.00.

It being covenanted and agreed that this conveyance, if and when accepted by the grantee herein, shall operate as a full and complete discharge of any and all personal liability of the undersigned grantor, and its grantors, immediate and remote, to the payment of the said mortgage indebtedness and the note secured thereby.

(Corporate Seal)	Milan Farm Company	(Seal)
(Revenue Stamps \$5.50)	By C. E. Hyman, President	(Seal)
	And Cletus B. Sullivan,	(Seal)
	Secretary	

State of Indiana, Allen County, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 27th day of March, 1935, personally appeared the within named C. E. Hyman and Cletus B. Sullivan, President and Secretary respectively of Milan Farm Company, a Corporation, and acknowledged that they are duly authorized and empowered by resolution of the Board of Directors of said Corporation, to execute, acknowledge and deliver the foregoing deed by and on the behalf of said Corporation, and that the signing of the foregoing instrument is their free act and deed and the duly authorized free act and deed of said Corporation.

In Witness Whereof, I have hereunto subscribed my name and
affixed my official seal.

(Notary Seal)

Sylvia Ostertag
Notary Public

Recorded April 11, 1935.

Deed Record 346, page 124.

I, Emma Klein, Secretary of the First Joint Stock Land Bank
of Fort Wayne, hereby certify that the following is a true and
exact copy of Section 1, Article 5 of the by-laws of said First
Joint Stock Land Bank of Fort Wayne, as amended at a meeting of
the Board of Directors, held on December 20, 1934:

"Section 1. All deeds and conveyances of real estate shall
be executed by the President or one of the Vice Presidents, and
attested with the name of the Secretary or Assistant Secretary,
or the Manager of the Bank, and the seal of the Bank, and shall
be made pursuant to order of the Board of Directors. Releases
of mortgages, assignments of notes and mortgages shall be exe-
cuted by the President, one of the Vice Presidents, Secretary,
or in their absence by an Assistant Secretary of the Bank, and
may be attested by the Secretary or any Assistant Secretary, if
desired."

Dated this 24th day of January, 1935.

(Corporate Seal)

Emma Klein, Secretary of First
Joint Stock Land Bank of Fort Wayne

State of Indiana, Allen County, SS:

Before me, a Notary Public in and for said County and State,
personally appeared Emma Klein, to me known to be Secretary of
First Joint Stock Land Bank of Fort Wayne, and acknowledged the
execution of the foregoing certificate.

Witness my hand and notarial seal, this 24th day of January,
1935.

(Notary Seal)

Helen McLennan
Notary Public

Recorded January 26, 1935.

Miscellaneous Record 92, page 135.

May 14, 1937. FIRST JOINT STOCK LAND BANK OF FORT WAYNE, of Allen County, in the State of Indiana, conveys and warrants to WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$7950.00, the following described real estate in Allen County, in the State of Indiana, to-wit:

That part of Richardville Reserve west of the St. Mary's River and of Beaubien Reserve, in township No. 30 North, Range 12 East, described as follows:

Commencing at a gas pipe corner set on the south boundary line of township 30 north, range 12 east, said gas pipe corner being located North 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence north 34 degrees and 15 minutes west 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of said Winchester Road; thence South 18 degrees and 47 minutes east along the center line of said road 17.09 chains; thence north 71 degrees 22 minutes east 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone corner; thence north 78 degrees and 15 minutes east 12.98 chains to a stone corner; thence south 29 degrees 15 minutes west 2.78 chains; thence south 8 degrees and 26 minutes west 5.70 chains; thence south 1 degree and 31 minutes west 5.98 chains; thence south 4 degrees and 15 minutes east 6 chains; thence south 33 degrees and 55 minutes east 4.31 chains; thence south 40 degrees east 5.98 chains; thence south 46 degrees and 30 minutes east 4.48 chains; thence south 60 degrees and 45 minutes east 6.37 chains; thence south 78 degrees and 15 minutes east 2.27 chains to a stone corner at the northwest corner of the lands conveyed to Henry Meyer and John C. Meyer, by William A. Fwing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence south 18 degrees and 37½ minutes west a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of Township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning, containing 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, subject to all legal highways.

It being the intention to convey all of that tract of land mortgaged to the Grantor herein by Laffer C. Poland and Cora J. Poland, his wife, on July 1, 1922, and recorded in Mortgage Record 249, page 546 of the Mortgage Records of Allen County, Indiana;

subject to the taxes for the year 1938 and thereafter. The Grantor reserves possession of the above described premises until March 1, 1938, and reserves all crops growing and to be grown in the year 1937.

(Corporate Seal)

First Joint Stock Land Bank
of Fort Wayne (Seal)

(Revenue Stamps \$8.00)

By K. R. Zent, Vice President

Attest:

Emma Klein, Secretary

State of Indiana, Allen County, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 14th day of May, 1937, personally appeared the within named First Joint Stock Land Bank of Fort Wayne, by K. R. Zent, its Vice President and Emma Klein, its Secretary, Grantor in the above conveyance, and acknowledged the same to be its voluntary act and deed for the uses and purposes herein mentioned.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

(Notary Seal)

Henrietta C. Niezer
Notary Public

Recorded May 17, 1937.

Deed Record 355, page 477.

May 17, 1947. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, convey and warrant to KENNETH LEON COURTNEY AND HELEN E. COURTNEY, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described real estate in Allen County, in the State of Indiana, to-wit:

Description for Lot No. 1. Part of the Richardville Reserve, in the south $\frac{1}{2}$ of Section 35, in Township 30 North, Range 12 East; more particularly described as follows, to-wit:

Beginning at the intersection of the south line of said section with the center line of the Winchester Road as now established; thence north 19 degrees west on the center line of said road 198 feet; thence west parallel with the south line of

said section 396 feet; thence south 19 degrees east parallel with the center line of said road 130 feet to the south line of said section; thence east on the south line of said section 396 feet to the place of beginning.

(Revenue Stamps \$1.10)

William E. Pavey (Seal)

Opal Pavey (Seal)

Acknowledged May 17, 1947 by William E. Pavey and Opal Pavey, Grantors before V. G. Seigel, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded August 27, 1947. Deed Record 396, page 367.

May 17, 1947. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, convey and warrant to OREN COURTNEY, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described real estate in Allen County, in the State of Indiana, to-wit:

Part of the Richardville Reserve in the S $\frac{1}{2}$ of Section 35 in Township 30 North, Range 12 East, more particularly described as follows, to-wit:

Commencing at the intersection of the south line of said section with the center line of the Winchester Road as now established; thence north 19 degrees west along the center line of said road 198 feet for a point of beginning; thence continuing north 19 degrees west along the centerline of said road 132 feet; thence west parallel with the south line of said section 396 feet; thence south 19 degrees east parallel with the center line of said road 132 feet; thence east parallel with the south line of said section 396 feet to the place of beginning, containing 1.2 acres.

77

William E. Pavey (Seal)

(Revenue Stamps \$1.10)

Opal Pavey (Seal)

Acknowledged May 17, 1947 by William E. Pavey and Opal Pavey, Grantors before V. G. Seigel, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded August 29, 1947. Deed Record 396, page 397.

May 17, 1947. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, convey and warrant to GLEN H. THOMAS AND LEONA M. THOMAS, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described real estate in Allen County, in the State of Indiana, to-wit:

78

Description for Lot No. 3. Commencing at the intersection of the south line of said section with the center line of the Winchester Road as now established; thence north 19 degrees west along the center line of said road 330 feet for a point of beginning; thence continuing north 19 degrees west along the center line of said road 132 feet; thence west parallel with the south line of said section 660 feet; thence south 19 degrees east parallel with the center line of said road 132 feet; thence east parallel with the south line of said section 660 feet to the place of beginning.

William E. Pavey (Seal)

(Revenue Stamps \$1.65)

Opal Pavey (Seal)

Acknowledged May 17, 1947 by William E. Pavey and Opal Pavey, Grantors before V. O. Seigel, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded August 16, 1947. Deed Record 396, page 279.

August 29, 1947. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, convey and warrant to GLEN H. THOMAS AND LEONA M. THOMAS, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described real estate in Allen County in the State of Indiana, to-wit:

79

Part of the Richardville Reserve in the S $\frac{1}{2}$ of Section 35 in Township 30 North, Range 12 East, more particularly described as follows, to-wit:

Commencing at the intersection of the south line of said section with the center line of the Winchester Road as now established; thence N. 19 degrees W. along the center line of said road 330 feet, for a point of beginning; thence continuing N. 19 degrees W. along the center line of said road, 132 feet; thence W. parallel with the S.

line of said Section 660 feet; thence S. 19 degrees E. parallel with the center line of said road 132 feet; thence E. parallel with the S. line of said section 660 feet to the place of beginning, containing 2 acres.

This is a correctional deed being recorded to correct description of land on deed dated May 17, 1947, and recorded August 16, 1947, on Allen County, Fort Wayne, Indiana, Records Records, -- book 396, page 279. Revenue stamps attached to previous deed.

79

William E. Pavey (Seal)

Opal Pavey (Seal)

Acknowledged August 29, 1947 by William E. Pavey and Opal Pavey, grantors before C. J. Mettler, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded August 29, 1947. Deed Record 396, page 398.

September 9, 1947. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, convey and warrant to ROSS M. SILLS AND ETHEL W. SILLS, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described real estate in Allen County, in the State of Indiana, to-wit:

80

Part of the Richardville Reserve, in Section 35 in Township 30 North, Range 12 East, Allen County, Indiana; more particularly described as follows, to-wit: Commencing at the intersection of the center line of the Kennerk Road with the center line of the Winchester Road as now established; thence south 17 degrees and 58 minutes east along the center line of said Winchester Road a distance of 1737 feet for a point of beginning, said point being the most northerly corner of the tract herein described, thence continuing south 17 degrees and 58 minutes east along the center line of said road 400 feet; thence south and westerly at right angles with the center line of said road 377.3 feet; thence north and easterly 550 feet to the place of beginning, containing 1.73 acres.

(Revenue Stamp \$1.10)

William E. Pavey (Seal)

Opal Pavey (Seal)

Acknowledged September 9, 1947 by William E. Pavey and Opal Pavey, grantors before Adolph Nix, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded October 1, 1947. Deed Record 397, page 76.

WINCHESTER HEIGHTS ADDITION

SECTION "A"

26204

TO THE CITY OF PORT HURON, MICHIGAN
Being a subdivision of part of the Winchesteer Heights, in Section 35, in Township 30 North Range 12 East; more particularly described as follows, to wit: Beginning at the intersection of the South line of said section with the center line of the Winchesteer Road, as so established; thence North 19 degrees West along the center line of said road, 3661 feet; thence South 24 degrees and 10 minutes East 2500 feet; thence South 57 degrees East, 1355.5 feet; to the South line of said section; thence East at the South line of said section, 1461 feet, to the place of beginning.
The lots are numbered from one to twenty six, North inclusive, and the dimensions are marked in feet on the plat.

Surveyed and plotted this 1st day of October, 1947
I hereby certify that the above is a true and correct copy of the original plat.
C. Ross Linquist, P.E. Engineer No. 10,000

RESTRICTIONS

All lots in this plat shall be subject to certain restrictions and limitations in the use thereof, as hereinafter set forth, and any violation of same by an owner or occupants of any lot to said subdivision, shall give to any other owner within said addition, by such violation, the right of action at law for damages or injunctive relief.
No. 1 All of the lots shall be subject to the building line as shown on the plat.
No. 2 No building shall be erected of unsightly, used or salvaged materials except such material be of good and suitable quality, thoroughly cleaned, properly assembled, and neatly painted to present a clean pleasing appearance over fireproof.
No. 3 No garage or out buildings are to be used for temporary living quarters shall be built nearer than 150 feet from the front lot line.
No. 4 No lot shall be used at any time by an owner or occupant thereof, for the purpose of wrecking, unloading or storing of old, worn or wrecked automobiles or other machinery; nor for the storing and merchandising of junk of any description.
No. 5 Any frame dwelling erected, must have regulation house siding, single roof, mounted on a foundation and have an appraised value of at least five thousand dollars.
No. 6 Until such time as a combined sewage disposal plant is available, all water used for human occupation, shall be derived from driven wells.
No. 7 Until such time as a combined sewage disposal plant is available, all sewage will be disposed of, by using septic tanks; same are to meet the approval of the State Board of Health requirements.

We, the undersigned, do hereby certify that we are the legal owners of that part of the tract herein described as is set out herein and we do hereby certify that we are the legal owners of the same under and to the City of Port Huron, Michigan, as set out herein and to the City of Port Huron, Michigan, as set out herein and to the City of Port Huron, Michigan, as set out herein.

Witness my hand and seal this 13th day of October, 1947
Michael E. Perry
Robert Perry
Boris M. Miller
Paul W. Miller
Genneth L. Country
Vera L. Country
Doris Country
Glen L. Country
Lena M. Thorne
Owners of Lot No. 26
Owners of Lot No. 25
Owners of Lot No. 24
Owners of Lot No. 23
Owners of Lot No. 22
Owners of Lot No. 21
Owners of Lot No. 20
Owners of Lot No. 19
Owners of Lot No. 18
Owners of Lot No. 17
Owners of Lot No. 16
Owners of Lot No. 15
Owners of Lot No. 14
Owners of Lot No. 13
Owners of Lot No. 12
Owners of Lot No. 11
Owners of Lot No. 10
Owners of Lot No. 9
Owners of Lot No. 8
Owners of Lot No. 7
Owners of Lot No. 6
Owners of Lot No. 5
Owners of Lot No. 4
Owners of Lot No. 3
Owners of Lot No. 2
Owners of Lot No. 1

RECORDED
RECORD 17, PAGE 12
OCT 16 1947
CITY OF PORT HURON, MICHIGAN
Clerk

STATE OF MICHIGAN
COUNTY OF ALLEN, MI:
Before me a Notary Public, in and for said County and State, personally appeared the above named owners, this 13th day of October, 1947, and acknowledged the execution of the foregoing plat to me to be their voluntary act.
My Commission expires.....

Approved by The
City Plan Commission of
Port Huron, Michigan
October 12, 1947
DULY ENTERED FOR TAXATION
October 12, 1947
J. L. Wiseman
Notary Public, Michigan

Approved by the
Notary Public for the
County of Allen, Michigan
October 16, 1947
Clerk

ENCUMBRANCE

TAXES: Year 1946

In name of William E. & Opal Pavey

Description taxed: S. Pt. Rich. Res. SE $\frac{1}{4}$ ex. 13.52 A. in SE cor.
& ex. 3.1 A. & ex. Tract 14, Sec. 35 - 133.78
Acres

Value of land \$6450.00

Value of improvements \$2400.00

82

1st Instalment: \$127.44 }
2nd Instalment: \$127.44 } Paid in full.

Tax Duplicate "Wayne Twp.", page 94, line 31.

Year 1947 not yet on Tax Duplicates.

Abstracter's Note: This item shows all unpaid taxes against the
real estate therein described. Personal taxes, if any, have
not been included.

ADDENDA

November 7, 1877. WILLIAM FLEMING, of Allen County, Indiana, mortgages and warrants to the FORT WAYNE NATIONAL BANK, of Fort Wayne, Indiana, the following 10 parcels of land situate in Allen County, Indiana, and described as follows: - - With other Real Estate - -

83

Parcel No. One. About 270 Acres of land described as follows: Commencing at a point on the banks of the St. Marys River where the East line of the Reserve of 3 Sections of land which were granted to John B. Richarville in the Treaty of St. Mary's in the year 1818 intersects the same; thence Southwardly along said East line to South East corner of said reserve; thence along the Southern boundary of said reserve Northwestwardly 49 chains and 25 links; thence North 25° East along the Southern boundary line of the land of Archangel Godfrey to said river; thence up the said River with its meanders to the place of beginning, containing about 370 acres, except 100 acres off from the South West corner thereof, heretofore sold and conveyed to Henry Korns by deed dated February 24, 1864, which deed is recorded in Probate Order Book "H", of the Common Pleas Court of said County,

to secure the payment of 6 notes dated October 1, 1877, for \$4500.00 each, due in 6, 12, 18, 24, 30 and 36 months from October 1, 1877, with interest at 10% per annum.

Recorded December 15, 1877. Mortgage Record 33, pages 455-457.

On Margin: We hereby acknowledge full payment and satisfaction of the annexed Mortgage and Notes, this December 30, 1882.

The Fort Wayne National Bank

By S. B. Bond, Pt.

Attest: Joseph Mommer, Junior, Rec. A. Co.

Refer to foregoing item

State of Indiana, Allen County, SS:

84

The undersigned, upon being informed that the following facts appear of record in the Recorder's Office of Allen County, State of Indiana, to-wit:

That on November 7, 1877, William Fleming executed a mortgage, among other real estate, of the west half of the south west $\frac{1}{4}$ of section 32, township 32 north, range 15 east, Allen

County, State of Indiana, for \$4000.00 and interest, and that said mortgage is recorded in Mortgage Record 33, page 455 of the Mortgage Records of said Allen County. That on the margin of the record of said mortgage, the following release is recorded, to-wit:

"We hereby acknowledge full payment and satisfaction of the annexed mortgage and notes, this 30th day of December, 1882.

The Fort Wayne National Bank

By S. B. Bond, Pt.

Attest: Joseph Mommer, Jr., Recorder, Allen County, Indiana."

84 And the undersigned, upon being duly sworn on oath, deposes and says, that said The Fort Wayne National Bank was doing business at Fort Wayne, Indiana, at the time said mortgage was given and released, and that this affiant was well acquainted with the officers of said Bank at that time and knows it to be a fact that S. B. Bond was President of said Bank at the time said mortgage was released, and that said The Fort Wayne National Bank which by S. B. Bond, its President, released the mortgage aforesaid, and Fort Wayne National Bank to which said mortgage was given, is one and the same institution.

And affiant says that he is now and has been for many years last past engaged in the banking business at Fort Wayne, Indiana.

And further affiant says not.

Charles McCulloch

Subscribed and sworn to before me, this 17th day of August, 1912.

(Notary Seal) C. W. Kuhne
Notary Public

Recorded January 4, 1913. Miscellaneous Record 41, page 213.

85 March 1, 1903. JOHN B. ROSS AND LUCY E. ROSS, husband and wife, of White County, Indiana, Mortgage and Warrant to STRAUS BROTHERS AND COMPANY, of Noble County, Indiana, the following

described real estate situate in Allen County, Indiana, to-wit:

Commencing at point on St. Mary's River where East line of reserve of 3 Sections of land which were granted to John B. Richardville by treaty of St. Mary's in 1818 intersects same; thence South Westerly along said East line 40 chains and 28 links to a stone corner which marks East corner of a 100 acre tract of land conveyed February 24, 1864, by August H. Carrier, Guardian of Me-she-he-no-quah to Henry Koons, by deed recorded in the Deed Records of Allen County, Indiana, in Book 35, page 94 thereof; thence North Westerly along line of said 100 acre tract 49 chains and 90 links to stone corner, which is most Northerly corner of said 100 acre tract; thence North 25° East along Southern boundary of lands formerly owned by Arch-ange Godfrey to said St. Mary's River; thence up said river following meanderings thereof to place of beginning, containing 221.18 acres of land, located in Township 29 and 30 North, Range 12 East;

85

Also commencing on St. Mary's River at North corner of Section land granted to Josetta Beubien by treaty at St. Mary's in the State of Ohio, in 1818, which Section is commonly called the Bobein, Beubien or Beaubien Reserve; running thence South 25° West along the North West line of said Reserve 63 chains and 75 links to the North West corner of said Reserve; thence South 38° East 28 chains and 36 links; thence North 16° East 77 chains and 2 links to said St. Marys River; thence with the meanderings of said river to the place of beginning, containing 146 acres, located in Township 29 and 30 North, Range 12 East.

To secure the payment of \$13,675.00, evidenced by 21 promissory notes of even date herewith, 1st for \$1500.00, due August 28, 1908, 2 for \$400.00 each, due respectively on 1" March, 1904 and 1905, 17 for \$600.00 each and due respectively 1" March in years 1906 to 1922, and 1 for \$1175.00 due March 1, 1923, all bearing interest at the rate of 5½% per annum, payable annually.

Recorded April 15, 1903. Mortgage Record 118, page 170.

On Margin: For release of Mortgage, see Mortgage Record 135, page 457. (Refer to No. 87)

86

September 7, 1906. JOHN B. ROSS AND LUCY E. ROSS, husband and wife, of Allen County, Indiana, Mortgage and Warrant to STRAUS BROTHERS AND COMPANY, of Allen County, Indiana, the following described Real Estate situate in Allen County, Indiana, to-wit:

Commencing at a point on St. Mary's river where East line of the Reserve of three sections of land granted to John B. Richardville by treaty of St. Mary's in 1818 intersects same; thence South Westerly along said East line 40 chains and 28 links to a stone corner which marks East corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me-she-he-no-quah to Henry Koons, by deed recorded in deed records of Allen County, Indiana, in Book 35, page 94 thereof; thence North Westerly along line of said 100 acre tract 49 chains and 90 links to a stone corner which is the most northerly corner of said 100 acre tract; thence North 25° East along the Southern boundary line of lands formerly owned by Archange Godfrey to St. Mary's River; thence up said river following meanderings thereof to beginning, 221 18/100 acres of land located in Townships 29 and 30 North, Range 12 East; also commencing on St. Mary's River at North corner of a Section of land granted to Josetta Beaubien by treaty at St. Mary's in Ohio in 1818, which section is commonly called the Bobien, Beubien or Beaubien Reserve; running thence South 25° West along North West line of said reserve 63 chains, 75 links to North West corner said reserve; thence South 38° East 28 chains, 36 links; thence North 16° East 77 chains 2 links to said St. Mary's river; thence with the meanderings of said river to place beginning, containing 146 acres, located in Townships 29 and 30 North, Range 12 East.

To secure payment of one note of even date herewith for \$800.00, due in 2 years, with interest at 6% per annum, payable annually. Recorded September 7, 1906. Mortgage Record 135, page 457.
(For Release, refer to following item.)

Refer to Nos. 85 & 86

On Margin of Mortgage Record 135, page 457:

For value received, we hereby acknowledge full payment and satisfaction of the following described mortgages, viz: the mortgage executed to us on March 1, 1903, by John B. Ross and Lucy E. Ross, husband and wife, on the 367.18 acres of land therein described, and securing notes aggregating \$13,675.00, which said mortgage is recorded on April 15, 1903, in Book 118, page 170 of the Mortgage Records of Allen County, Indiana.

Also the Mortgage executed to us on September 7, 1906, by John B. Ross and Lucy E. Ross, his wife, on the 367.18 acres of land therein described, and securing a note of \$800.00, which

said mortgage is recorded on September 7, 1906, in Book 135, page 457 of the Mortgage Records of Allen County, Indiana.

In Witness Whereof, we have hereunto set our hands and seals, this 27th day of September, 1909.

Straus Bros. & Co. (Seal)

By Abe Ackerman (Seal)
a member of said Firm

Acknowledged September 27, 1909 by Straus Brothers and Company,
by Abe Ackerman, a member of said firm, before H. R. Kuhne,
Notary Public, Allen County, State of Indiana. (Seal)
Recorded September 28, 1909.

On Margin Mortgage Record 135, page 457.

September 25, 1903. JOHN B. ROSS AND LUCY E. ROSS, husband and wife, of Allen County, Indiana, mortgage and warrant to STRAUS BROTHERS AND COMPANY, of Allen County, Indiana, the following described Real Estate situate in Allen County, Indiana, to-wit:

Commencing at point on St. Mary's River where East line of Reserve of 3 Sections of land which were granted to John B. Richardville by treaty of St. Mary's in 1818 intersected same; thence South West-erly along said East line 40 chains and 28 links to a stone corner which marks the east corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me-she-he-no-quah to Henry Koona, by deed recorded in Deed Records of Allen County, Indiana, in Book 35, at page 94 thereof; thence North Westerly along line of said 100 acre tract 49 chains and 90 links to a stone corner which is most Northerly corner of said 100 acre tract; thence North 25° East along Southern boundary line of lands formerly owned by Archange Godfrey to St. Mary's River; thence up said river following meanderings thereof to place of begin-ning, 221 18/100 Acres of land located in Township 29 and 30 North, Range 12 East; Also commencing on St. Mary's River at North corner of a Section of land granted to Josetta Beubien by treaty at St. Mary's in State of Ohio in 1818, which Section is commonly called Bobien, Beubien, Beaubien Reserve, running thence South 25° West along North West line of said reserve, 63 chains and 75 links to North West corner of said Section; thence South 38° East 28 chains and 36 links; thence North 16° East 77 chains and 12 links to said St. Mary's River; thence with meanderings of said River to place of beginning, containing 146 acres, located in Town-ships 29 and 30 North, Range 12 East.

86

To secure payment of one bond for \$700.00, due 2 years after date, 6% interest per annum, payable annually.

Recorded October 9, 1903. Mortgage Record 120, page 447.

On Margin: For value received, we hereby assign, without recourse, the within Mortgage to Mrs. Della Bing Levy, this March 15, 1904. Said mortgage is dated September 20, 1903, calling for \$700.00, and is recorded in Book 120, page 447 of the records of Mortgages, Allen County, Indiana.

Straus Bros. & Co., By Abe Goldsmith, ____
State of Indiana, Noble County, SS:

Before me, Philomon B. Green, a Notary Public in and for said County, personally appeared the above named Straus Bros. & Co. by Abe Goldsmith, a member of said firm, to me well known, and acknowledged the execution of the above assignment.

Witness my hand and notarial seal, this March 15, 1904.

(Notary Seal) Philomon B. Green
Notary Public

Recorded March 17, 1904. C. M. Gillett, Rec. Allen Co.

88

I, Mrs. Della Bing Levy, of Cuyahoga County, State of Ohio, do hereby certify that a certain mortgage given by John B. Ross and Lucy E. Ross, husband and wife, of Allen County and State of Indiana, to Straus Brothers and Company, and by them assigned to me, is fully paid and satisfied, and the Recorder of Allen County, Indiana, is hereby requested to enter such satisfaction upon record; said mortgage is dated the 25th day of September, 1903, calling for \$700.00 and interest in payments, and is recorded in Record of Mortgages in Allen County, State of Indiana, in Book 120, page 447.

In Witness Whereof, I have hereunto set my hand and seal, this 20th day of August, 1909.

Mrs. Della Bing Levy (Seal)

Acknowledged August __, 1909 by Mrs. Della Bing Levy, before Nobis S. Ormes, Notary Public, Cuyahoga County, Ohio. (Seal)

Recorded September 28, 1909. Robert E. Kelly, Allen County Recorder.

September 28, 1909. JOHN B. ROSS AND LUCY E. ROSS, husband and wife, Mortgage and Warrant to THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, of Hartford, Connecticut, the following real estate in Wayne and Pleasant Townships, Allen County, Indiana, to-wit:

Commencing at a point on the St. Marys River where the East line of the Reservation of three sections of land which were granted to John B. Richardville by the treaty of St. Marys in 1818 intersects the same; thence Southwesterly along said East line 40 chains and 28 links to a stone corner which marks the East corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, guardian of Me-she-he-no-qua to Henry Koons, by deed recorded in the Deed Records of Allen County, Indiana, in Book 35, page 94 thereof; thence Northwesterly along the line of said 100 acre tract 49 chains and 90 links to a stone corner which is the most Northerly corner of said 100 acre tract; thence North 25 degrees East along the Southern boundary of land formerly owned by Archange Godfrey to said St. Marys River; thence up said River following the meanderings thereof to the place of beginning, containing 221.18 acres of land, located in Township 29 and 30 North, Range 12 East; Also, commencing on the St. Marys River at the North corner of a section of land granted to Josetta Beaubien by treaty at St. Marys in the State of Ohio in 1818, which section is commonly called the Bobben, Beubien or Beaubien Reservation; running thence South 25 degrees West along the Northwest line of said Reserve 63 chains and 75 links to the Northwest corner of said Reserve; thence South 38 degrees East 28 chains and 36 links; thence North 16 degrees East 77 chains and 2 links to said St. Marys River; thence with the meanderings of said River to the place of beginning, containing 146 acres, located in Township 29 and 30 North, Range 12 East, containing in all 367.18 acres, more or less.

To secure the payment of a debt evidenced by one principal note of \$14,500. due in 5 years after date and 10 coupon interest notes, representing the semi annual interest installments on said principal note.

Recorded September 28, 1909. Mortgage Record 152, pages 149-151.

On Margin: This certifies that this mortgage to the Connecticut Mutual Life Insurance Company of Hartford, Conn., which is recorded in the Office of the Recorder of Allen County, Indiana, in Mortgage Record 152, at page 149, has been fully paid and

satisfied and the same is hereby released.

In witness whereof, the said The Connecticut Mutual Life Insurance Company has affixed its corporate seal and caused these preaenta to be signed by Henry S. Robinson, its Vice President and Jacob H. Greene, its Second Secretary, this 26th day of July, 1912.

89

Henry S. Robinson, Vice President

(Corporate Seal)

Jacob H. Greene, Second Secretary

Acknowledged July 26, 1912 by The Connecticut Mutual Life Insurance Company, by Henry S. Robinson, its Vice President and Jacob H. Greene, its Second Secretary, before James A. Smith, Notary Public, Hartford County, State of Connecticut. (Notary Seal)
Recorded August 3, 1912. Robert E. Kelly, Recorder, Allen County, Indiana.

July 16, 1912. JOHN B. ROSS AND LUCY E. ROSS, husband and wife, Mortgage and Warrant to THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY of Hartford, Connecticut, the following Real Estate in Wayne and Pleasant Townships, Allen County, Indiana, to-wit:

90

Commencing at a point on the St. Marys River where the East line of the Reservation of three sections of land which were granted to John B. Richardville by the treaty of St. Marys in 1818 intersects the same; thence Southwesterly along said East line 40 chains and 28 links to a stone corner which marks the East corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, guardian of Me-she-he-no-quia to Henry Koons, by deed recorded in the Deed Records of Allen County, Indiana, in Book 35, page 94 thereof; thence Northwesterly along the line of said 100 acre tract, 49 chains and 90 links to a stone corner which is the most Northerly corner of said 100 acre tract; thence North 25 degrees East along the Southern boundary of land formerly owned by Archange Godfrey to said St. Marys River; thence up said River following the meanderings thereof to the place of beginning, containing 221.18 acres of land, located in Township 29 and 30 North, Range 12 East; also commencing on the St. Marys River at the North corner of a section of land granted to Josetta Beaubien by treaty of St. Marys in the State of Ohio in 1818, which section is commonly called the Bobien, Beubien or Beaubien Reservation; running thence South 25 degrees West along the Northwest line of said Reserve 63 chains and 75 links to the Northwest corner

of said Reserve; thence South 38 degrees East 28 chains and 36 links; thence North 16 degrees East 77 chains and 2 links to said St. Marys River, thence with the meanderings of said River to the place of beginning, containing 146 acres, located in Township 29 and 30 North, Range 12 East, in all 367.18 acres, more or less, in Allen County, Indiana.

To secure \$18,500 due in 5 years after date and 10 coupon interest notes, representing the semi annual interest installments on said principal note.

Recorded July 18, 1912. Mortgage Record 172, page 274.

On Margin: For release, see Release and Assignment Record 1, page 39. (See next item)

Refer to foregoing item

This certifies that this mortgage to The Connecticut Mutual Life Insurance Company of Hartford, Conn., which is recorded in the office of the Recorder of Allen County, Indiana, in Mortgage Record 172, at page 274, has been fully paid and satisfied, and the same is hereby released.

In Witness Whereof, the said The Connecticut Mutual Life Insurance Company has affixed its corporate seal and caused these presents to be signed by Henry S. Robinson, its Vice President and John D. Parker, its Assistant Secretary, this 23rd day of August, 1916.

(Corporate Seal) The Connecticut Mutual Life Insurance Company

By Henry S. Robinson, Vice President
John D. Parker, Assistant Secretary

Acknowledged August 23, 1916 by The Connecticut Mutual Life Insurance Company, by Henry S. Robinson, its Vice President and John D. Parker, its Assistant Secretary, before James A. Smith, Notary Public, Hartford County, State of Connecticut. (Notary Seal)
Recorded October 30, 1916. Release & Assignment Record 1, page 39.

June 5, 1916. JOHN B. ROSS AND LUCY E. ROSS, husband and wife,
of Allen County, Indiana, mortgage and warrant to THE CONNECTI-
CUT MUTUAL LIFE INSURANCE COMPANY, of Hartford, Connecticut,
the following real estate in Allen County, Indiana:

Commencing at a point on the St. Mary's River where
the east line of the Reservation of three sections
of land which were granted to John B. Richardville
by treaty of St. Mary's in 1818 intersects the same;
thence southwesterly along said east line 40 chains
and 26 links to a stone corner which marks the east
corner of a 100 acre tract of land conveyed February
24th, 1864 by August H. Carrier, guardian of Me-she-
he-no-quia to Henry Koons by deed recorded in Deed
Record 35, at page 94 of the deed records of Allen
County, Indiana; thence northwesterly along the line
of said 100 acre tract 49 chains and 90 links to a
stone corner which is a most northerly corner of
said 100 acre tract; thence north 25 degrees east
along the southern boundary formerly owned by Arch-
ange Godfrey to said St. Mary's River; thence up
said River following the meanderings thereof to the
place of beginning, containing 221.18 acres of land,
and located in township 29 and 30 north, range 12
east, also

Commencing on the St. Mary's River at the north
corner of a section of land granted to Josette Beau-
bien by treaty at St. Mary's in the State of Ohio,
in 1818, which section is commonly called the Bobien
or Beubien or Beaubien Reservation; thence running
south 25 degrees west along the northwest line of
said Reserve 63 chains and 75 links to the northwest
corner of said Reserve; thence south 38 degrees east
28 chains and 36 links; thence north 16 degrees east
77 chains and 2 links to said St. Mary's River;
thence with the meanderings of said River to the
place of beginning, containing 146 acres, excepting
from said last described tract 25 acres out of the
south side thereof, conveyed by these mortgagors to
William Pharis and to R. D. Hemenway and wife by
deeds recorded in Deed Record 238, page 280 and in
Deed Record 238, page 255 of the Deed Records of
Allen County, Indiana, to which reference is hereby
made for greater certainty of description of said
excepted 25 acres.

To secure the payment of one note of \$21,000.00, due five years
after date, and 10 coupon interest notes, representing the semi-
annual interest installments on said principal note.

Recorded June 8, 1916.

Mortgage Record 201, pages 525-527.

On Margin: For Release, see Release and Assignment Record 4, page
40. (See next item)

Refer to foregoing item

This certifies that this mortgage to The Connecticut Mutual Life Insurance Company of Hartford, Conn., which is recorded in the office of the Recorder of Allen County, Indiana, in Mortgage Record 201, page 525, has been fully paid and satisfied, and the same is hereby released.

In Witness Whereof, the said The Connecticut Mutual Life Insurance Company has affixed its corporate seal and caused these presents to be signed by James Lee Loomis, its Vice President and Harold N. Chandler, its Assistant Secretary, this 29th day of August, 1921.

(Corporate Seal) The Connecticut Mutual Life Insurance Company
James Lee Loomis, Vice President (Seal)
Harold N. Chandler, Assistant Secretary (Seal)

State of Connecticut, Hartford County, SS:

Before me, James A. Smith, a Notary Public in and for said County, this 29th day of August, 1921, came The Connecticut Mutual Life Insurance Company, by James Lee Loomis, its Vice-President and Harold N. Chandler, its Assistant Secretary, and acknowledged the execution of the annexed release by authority of the Board of Directors of said Company, and affixed thereto the corporate seal of said Company by like authority.

Witness my hand and notarial seal.

(Notary Seal) James A. Smith
Notary Public

Recorded July 3, 1922. Release & Assignment Record 4, page 40.

February 3, 1919. LUCY E. ROSS AND JOHN B. ROSS, her husband, of Allen County, in the State of Indiana, mortgage and warrant to THE TRI-STATE LOAN AND TRUST COMPANY OF FORT WAYNE, Allen County, in the State of Indiana, the following real estate in Allen County, in the State of Indiana, to-wit:

Commencing at a point on the St. Mary's River where the east line of the Reservation of three Sections

of land which were granted to John B. Richardville by treaty of St. Mary's in 1818 intersects the same; thence southwesterly along said east line 40 chains and 28 links to a stone corner which marks the east corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, Guardian of Me-sha-he-no-qua to Henry Koons, by deed recorded in Deed Record 35 at page 94 of the Deed Records of Allen County, Indiana; thence northwesterly along the line of said 100 acre tract 49 chains and 90 links to a stone corner which is most northerly corner said 100 acre tract; thence north 25 degrees east along the southern boundary formerly owned by Archange Godfrey to said St. Mary's River; thence up said River following the meanderings thereof to the place of beginning, containing 221.18 acres of land and located in township 29 and 30 north, range 12 east, also,

Commencing on the St. Mary's River at the north corner of a section of land granted to Josette Beaubien by treaty of St. Mary's in the State of Ohio, 1818, which section is commonly called the Bobien or Beubien or Beaubien Reservation; thence running south 25 degrees west along the north west line of said Reserve 63 chains and 75 links to the north west corner of said Reserve; thence south 38 degrees east 28 chains and 36 links; thence north 16 degrees east 77 chains and 2 links to said St. Mary's River; thence with the meanderings of said River to the place of beginning, containing 146 acres, excepting from said last described tract 25 acres out of the south side thereof, conveyed by these mortgagors to William Farbie to and R. D. Hemenway and wife, by deeds recorded in Deed Record 238, page 280, and in Deed Record 238, page 255 of the Deed Records of said Allen County, Indiana, excepting also that part sold off by said mortgagors to John H. Thrash by deed of record in book 250, page 433 of the Deed Records of said Allen County, Indiana.

94

To secure the payment when the same shall severally become due on one principal bond, dated February 3, 1919, for \$3000.00, payable June 5, 1921, having attached thereto one coupon of \$71.17 and four coupons of \$105.00 each.

Recorded February 5, 1919. Mortgage Record 220, page 276.

On Margin: I hereby acknowledge full payment and satisfaction of the within notes and mortgage.

The Tri-State Loan & Trust Co.

By George W. Pixley, Sec.

Attest: July 7, 1921. Frank Cunnison, Recorder, Allen County, Indiana.

Refer to foregoing number

State of Indiana, County of Allen, SS:

Fred C. Heine, being first duly sworn and of lawful age, upon oath deposes and says that he is, at the present time, Vice President of the 1st and Tri State National Bank and Trust Company of Fort Wayne; that he was formerly Secretary to the Tri State Loan and Trust Company of Fort Wayne; that he was personally acquainted with George W. Pixley, who was former Secretary of said Tri State Loan and Trust Company.

95 Affiant further says that he knows of his own knowledge that said George W. Pixley served in said capacity from 1903 until March 1st, 1922, during which time he was authorized by Statutes of the State of Indiana to release mortgages of said Tri State Loan and Trust Company.

Fred C. Heine

Subscribed and sworn to before me, this 14th day of August, 1930.

(Notary Seal)

E. G. Schwalm
Notary Public

Recorded August 15, 1930.

Miscellaneous Record 81, page 337.

July 6, 1921. LUCY E. ROSS AND JOHN B. ROSS, her husband, of Allen County, Indiana, mortgage and warrant to the CONNECTICUT MUTUAL LIFE INSURANCE COMPANY of Hartford, Connecticut, the following real estate in Wayne & Pleasant Township, in Allen County, Indiana, to-wit:

96 Commencing at a point on the St. Mary's where the east line of the Reservation of three sections of land which were granted to John B. Richardville by treaty of St. Mary's in 1818 intersects the same; thence southwesterly along said east line 40 chains and 28 links to a stone corner which marks the east corner of a 100 acre tract of land conveyed February 24, 1864 by August H. Carrier, guardian of Meshe-he-no-quia to Henry Koons, by deed recorded in deed record 35, at page 94 of the Deed Record of Allen County, Indiana; thence northwesterly along the line of said 100 acre tract 49 chains and 90

links to a stone corner which is a most northerly corner of said 100 acre tract; thence north 25 degrees east along the southern boundary formerly owned by Archange Oodfrey to said St. Mary's River; thence up said River following the meanderings thereof to the place of beginning, also;

Commencing on the St. Mary's River at the north corner of a section of land granted to Josette Beaubien by treaty of St. Mary's in the State of Ohio, 1818, which section is commonly called the Bobien or Beaubien Reservation; thence running south 25 degrees west along the north west line of said Reserve 63 chains and 75 links to the northwest corner of said Reserve; thence south 38 degrees east 28 chains and 36 links; thence north 16 degrees east 77 chains and 2 links to said St. Mary's River; thence with the meanderings of said river to the place of beginning, excepting from said last described tract 25 acres out of the south side thereof, conveyed by these mortgagors to William Pharis and to R. D. Hemenway and wife, by deeds recorded in Deed Record 238, page 280 and in Deed Record 238, page 255 respectively, of the Deed Records of said Allen County, Indiana, excepting also from the first above described tract that part sold off by said mortgagors to John H. Thrash, as shown by deed record 250, page 433 of said Deed Records of said Allen County, Indiana. All said land being located in Townships 29 and 30 North, Range 12 East. The land above described containing 298½ acres after said exceptions are deducted.

96

This mortgage being given to pay off the remainder due on a mortgage given by these mortgagors to this mortgagee, for \$21,000.00, as shown by mortgage record 201, page 525.

To secure the payment when the same shall become due of 1 principal note of \$15,000.00 due 5 years after date, and 5 coupon interest notes, representing the annual interest installments on said principal note.

Recorded July 6, 1921.

Mortgage Record 240, page 144.

On Margin: For release, see Release and Assignment Record 4, page 59. (See next item)

Refer to foregoing item

This certifies that this mortgage to The Connecticut Mutual Life Insurance Company of Hartford, Conn., which is recorded in the office of the Recorder of Allen County, Indiana, in Mortgage Record 240 at page 144, has been fully paid and satisfied and the same is hereby released.

97

In Witness Whereof, the said The Connecticut Mutual Life Insurance Company has affixed its corporate seal and caused these presents to be signed by Henry S. Robinson, its President and Harold N. Chandler, its Assistant Secretary, this 7th day of July, 1922.

(Corporate Seal) The Connecticut Mutual Life Insurance Company

By Henry S. Robinson, President (Seal)
Harold N. Chandler, Assistant Secretary (Seal)

State of Connecticut, Hartford County, SS:

97

Before me, James A. Smith, a Notary Public in and for said County, this 7th day of July, 1922, came The Connecticut Mutual Life Insurance Company, by Henry S. Robinson, its President and Harold N. Chandler, its Assistant Secretary, and acknowledged the execution of the annexed release by authority of the Board of Directors of said Company, and affixed thereto the Corporate Seal of said Company by like authority.

Witness my hand and notarial seal.

(Notary Seal) James A. Smith
Notary Public

Recorded July 13, 1922. Release & Assignment Record 4, page 59.

July 6, 1921. LUCY E. ROSS AND JOHN B. ROSS, her husband, mortgage and warrant to EMMETT L. SAVAGE, the following real estate situated in Allen County, Indiana, and described as follows, to-wit:

98

That part of Richardsville Reserve West of the St. Mary's River and of Beaubien Reserve, in Townships 29 and 30 North, Range 12 East, in Allen County, Indiana, and described as follows: Commencing at a gas pipe corner at the South corner of said Richardsville Reserve West of the St. Mary's River and the West corner of the said Beaubien Reserve; thence North 24 degrees and 45 minutes East along the South East boundary line of said Richardsville Reserve, 24.04 chains to a stone at the East corner of the 100 acre tract of land described in the deed executed by August H. Carier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 49.87 chains to a stone corner; thence North 25 degrees and .07 minutes East 38.25

chains to the center line of the Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees and 22 minutes east 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees and 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the North West corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, executor, by deed dated February 14, 1874, recorded in Deed Record 62, pages 113 to 117 of the Deed Record aforesaid; thence South 18 degrees and 37½ minutes West a distance of 52.57 chains along the North West boundary line of the land described in the deed aforesaid; recorded in Deed Record 62, pages 113 to 117 as said boundary line is now located, and said boundary line extended to a stone corner; thence South 88 degrees and 20½ minutes West 22.43 chains to a stone corner on the West line of Beaubien Reserve; thence North 34 degrees west along the west line of Beaubien Reserve, 3.06 chains to the place of beginning.

The tract of land above described containing 295.53 acres.

Subject to a first mortgage of \$15,000.00, dated July 6, 1921, to The Connecticut Mutual Life Insurance Company.

To secure the payment of one certain promissory note, dated July 6, 1921, for \$3000.00, due in 2 years from this date, and the interest thereon at the rate of 7% per annum, payable semi-annually on the first days of September and March of each year. Recorded September 1, 1921. Mortgage Record 241, page 158.

On Margin: For release, see Release and Assignment Record 4, page 40. (See next item)

Refer to foregoing item

This certifies that a certain mortgage executed by Lucy E. Ross and John B. Ross, her husband, to Emmett L. Savage, on 6th day of July, 1921, calling for \$3000.00, and recorded in Mortgage Record No. 241, page 158 of Allen County, State of Indiana, has been fully paid and satisfied and the same is hereby released.

Witness my hand and seal, this 12th day of June, 1922.

Emmett L. Savage

Acknowledged June 12, 1922 by Emmett L. Savage, before F. P. Sprigga, Notary Public, Paulding County, State of Ohio. (Notary Seal)

Recorded July 3, 1922. Release & Assignment Record 4, page 40.

July 1, 1922. LAFFER C. POLAND AND CORA J. POLAND, his wife, mortgage, convey and warrant unto FIRST JOINT STOCK LAND BANK OF FORT WAYNE, the following real estate in Allen County, in the State of Indiana, to-wit:

That part of Richardville Reserve West of the St. Mary's River and of Beaubien Reserve in Township No. 30 North, Range 12 East, described as follows:

Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East, said gas pipe corner being located North 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of said Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37 1/2 minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of Township 30 North, Range 12 East; thence West on said township line 45.75 chains to a gas pipe corner, the place of beginning,

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containing 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana.

It being the intention of all the parties hereto to have this mortgage include all that part of a certain tract of real estate conveyed by the Maumee Valley Land Company to Laffer C. Poland by deed dated May 24, 1922, lying North of the Township line between Townships 29 and 30 North, extended eastward from the St. Mary's River.

To secure the payment of 1 certain promissory note dated July 1st, 1922, for the principal sum of \$9000.00, with interest at 6% per annum, beginning from date, in 65 consecutive semi annual installments of \$315.00 each and a last installment of \$263.07 with interest, all with 8% interest after maturity.

Recorded July 3, 1922. Mortgage Record 249, page 546.

(For Release, see next item)

Refer to foregoing item

It is hereby certified that a certain mortgage executed by Laffer C. Poland and Cora J. Poland, to the First Joint Stock Land Bank of Fort Wayne, dated July 1, 1922, recorded in Mortgage Record No. 249, at page 546 of the Mortgage Records of Allen County, Indiana, is fully paid and satisfied.

Witness my hand and seal, this 17th day of February, 1938.
(Corporate Seal) First Joint Stock Land Bank of Ft. Wayne

By K. R. Zent, Vice Pres.

State of Indiana, Allen County

101 Before me, a Notary Public in and for said County and State, personally appeared First Joint Stock Land Bank of Ft. Wayne, by K. R. Zent, Vice Pres., and acknowledged the execution of the foregoing satisfaction of mortgage.

Witness my hand and notarial seal, this 17th day of February, 1938.

(Notary Seal)

R. F. Baird, Jr.
Notary Public

Recorded February 24, 1938. Release & Assignment Record 25, page 99.

May 14, 1937. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife,
Mortgage and Warrant to FIRST JOINT STOCK LAND BANK OF FORT WAYNE,
the following real estate in Allen County, in the State of Indiana,
to-wit:

That part of Richardville Reserve West of the St. Mary's River and of Beaubien Reserve in Township No. 30 North, Range 12 East, described as follows:

Commencing at a gas pipe corner set on the South boundary line of Township 30 North, Range 12 East, said gas pipe corner being located north 34 degrees 15 minutes west 28.11 chains from a stone corner at the east corner of 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence north 34 degrees and 15 minutes West 21.76 chains to a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of said Winchester Road; thence south 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence south 29 degrees 15 minutes West 2.78 chains; thence south 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the Northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of Township 30 North, Range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning, containing 159.43 acres, more or less, according to the survey set out in Book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, subject to all legal highways.

It being the intention to convey all of that tract of land mortgaged to the grantor herein by Laffer C. Poland and Cora J. Poland, his wife, on July 1, 1922, and recorded in Mortgage Record 249, page 546 of the Mortgage Records of Allen County, Indiana;

together with the privileges and appurtenances to the same belonging, and the rents, issues and profits thereof.

To secure the payment of 5 principal notes for \$4950.00, dated May 14, 1937, four notes being for \$250.00 each, due on

March 1, 1939, March 1, 1940, March 1, 1941 and March 1, 1942, and one principal note for \$3950.00 due March 1, 1943, all of said notes bearing interest at the rate of 5½% per annum from March 1, 1938, payable semi-annually on March 1st and September 1st of each year, said interest being represented by appropriate coupon notes. (Exempt from Tax under Sec. 1 (b))

Recorded May 17, 1937. Mortgage Record 410, page 198.

On Margin: For assignment, Helen F. Heller, see Release and Assignment Record 25, page 111. (See next item.)

For Release, see Release and Assignment Record 26, page 281. (See No.104)

Refer to foregoing item

For Value Received, the annexed mortgage to First Joint Stock Land Bank of Fort Wayne, which is recorded in Mortgage Record 410, page 198 of the Mortgage Records of Allen County, Indiana, and the indebtedness thereby secured, are hereby assigned and transferred to Helen F. Heller, without recourse upon the mortgagee.

Witness the hand and seal of said mortgagee, this 4th day of March, 1938.

(Corporate Seal)

First Joint Stock Land Bank of Fort Wayne

By K. R. Zent, Vice President

Attest: Emma Klein, Secretary

103 (Exempt from tax under Sec. 1 (b))

State of Indiana, Allen County, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared First Joint Stock Land Bank of Fort Wayne, by K. R. Zent, its Vice President and Emma Klein, its Secretary, and acknowledged the execution of the foregoing assignment of mortgage.

Witness my hand and notarial seal, this 4th day of March, 1938.

(Notary Seal)

Henrietta C. Niezer
Notary Public

Recorded March 5, 1938. Release & Assignment Record 25, page 111.

Refer to Nos. 102 & 103

It is hereby certified that a certain mortgage executed by William E. Pavey and Opal Pavey, husband and wife, to First Joint Stock Land Bank of Fort Wayne, dated May 14, 1937, recorded in Mortgage Record 410, page 198 of the Mortgage Records of Allen County, Indiana, and assigned to Helen F. Heller, which assignment is recorded in Assignment and Release Record 25, page 111 of the Records of Allen County, Indiana, is fully paid and satisfied.

104 In Witness Whereof, said Helen F. Heller has hereunto set her hand and seal, this 4 day of March, 1940.

Helen F. Heller

Acknowledged March 4, 1940 by Helen F. Heller, before D. J. Dowling, Jr., Notary Public, Milwaukee County, State of Wisconsin.
(Notary Seal)

(Exempt from tax under Sec. 1 (b))

Recorded March 6, 1940. Release & Assignment Record 26, page 281.

August 21, 1941. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, Mortgage and War-rant to HOME LOAN AND SAVINGS ASSOCIATION OF FORT WAYNE, Allen County, in the State of Indiana, the following real estate in Allen County, in the State of Indiana, to-wit:

105

That part of Richardville Reserve West of the St. Mary's River and Beaubien Reserve in township No. 30 North, Range 12 East, described as follows:

Commencing at a gas pipe corner set on the South boundary line of township 30 North, range 12 East, said gas pipe corner being located North 34 degrees 15 minutes west 28.11 chains from a stone corner at the East corner of 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Records in the Recorder's Office of Allen County, Indiana; thence North 34 degrees and 15 minutes west 21.76 chains to

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a stone corner; thence North 25 degrees and 7 minutes East 38.25 chains to the center line of said Winchester Road; thence South 18 degrees and 47 minutes East along the center line of said road 17.09 chains; thence North 71 degrees 22 minutes East 8.01 chains to a stone corner; thence South 16 degrees and 30 minutes East 4.57 chains to a stone corner; thence North 78 degrees and 15 minutes East 12.98 chains to a stone corner; thence South 29 degrees 15 minutes West 2.78 chains; thence South 8 degrees and 26 minutes West 5.70 chains; thence South 1 degree and 31 minutes West 5.98 chains; thence South 4 degrees and 15 minutes East 6 chains; thence South 33 degrees and 55 minutes East 4.31 chains; thence South 40 degrees East 5.98 chains; thence South 46 degrees and 30 minutes East 4.48 chains; thence South 60 degrees and 45 minutes East 6.37 chains; thence South 78 degrees and 15 minutes East 2.27 chains to a stone corner at the northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence South 18 degrees and 37½ minutes West a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of township 30 North, range 12 East; thence West on said Township line 45.75 chains to a gas pipe corner, the place of beginning, containing 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, subject to all legal highways.

It being the intention of all the parties hereto to have this mortgage include all that part of a certain tract of real estate conveyed by the Maumee Valley Land Company to Laffer C. Poland, by deed dated May 24, 1922, lying North of the Township line between Townships 29 and 30 North.

To secure payment of 1 promissory note for the principal sum of \$2800.00, payable installments of \$28.00 or more per month as in said note provided, with 6% interest per annum.

(Exempt from tax under Sec. 1 (b))

Recorded August 22, 1941. Mortgage Record 429, page 542.

On Margin: I hereby acknowledge full payment and satisfaction of the within notes and mortgage.

Home Loan and Savings Association

By William J. Hess, Secretary

Attest: April 27, 1944. Lester E. Garman, Allen County Recorder.

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Home Loan and Savings Association of Fort Wayne, Indiana
Office of the Secretary.

To Whom It May Concern:

"Resolved, that we, the Board of Directors of the Home Loan and Savings Association, formerly known as the Teutonia Building Loan and Savings Association, do hereby authorize the Secretary or the Treasurer of said Association, upon payment of the amount due thereon to said Association, to cancel and satisfy of record all the mortgages in favor of said Association, whether recorded in the name of the Teutonia Building Loan and Savings Association or the Home Loan and Savings Association, also including all mortgages which may hereafter be given to said Association."

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I hereby certify the above to be a true and correct copy of the record of the Home Loan and Savings Association of Fort Wayne, Indiana, as taken from the Minute Book No. 4 of said Association, on page 1593, under date of July 13, 1936.

William J. Heas, Secretary

Subscribed and sworn to before me, this 21 day of July, 1936.

(Notary Seal)

Hazel Calvin, Notary Public

Recorded July 21, 1936.

Miscellaneous Record 96, page 207.

June 4, 1942. WILLIAM E. PAVEY AND OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, mortgage and warrant to HOME LOAN AND SAVINGS ASSOCIATION OF FORT WAYNE, Allen County, in the State of Indiana, the following real estate in Allen County, in the State of Indiana, to-wit:

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That part of Richardsville Reserve west of the St. Mary's River and of Beaubien Reserve in township No. 30 North, Range 12 East, described as follows:

Commencing at a gas pipe corner set on the south boundary line of township 30 north, range 12 east, said gas pipe corner being located north 34 degrees 15 minutes west 28.11 chains from a stone corner at the east corner of 100 acre tract of land described in the deed executed by August H. Carrier, Guardian, to Henry Koons, and which said deed is recorded in Deed Record 35, page 94 of the Deed Record in the Recorder's Office of Allen County, Indiana; thence north 34 degrees and 15 minutes west 21.76 chains to a stone corner; thence north 25 degrees and 7 minutes east 38.25 chains to the center line of said Winchester Road; thence south 18 degrees and 47 minutes east along the center line of said road 17.09

chains; thence north 71 degrees 22 minutes east 8.01 chains to a stone corner; thence south 16 degrees and 30 minutes east 4.57 chains to a stone corner; thence north 78 degrees and 15 minutes east 12.98 chains to a stone corner; thence south 29 degrees 15 minutes west 2.78 chains; thence south 8 degrees and 26 minutes west 5.70 chains; thence south 1 degree and 31 minutes west 5.98 chains; thence south 4 degrees and 15 minutes east 6 chains; thence south 33 degrees and 55 minutes east 4.31 chains; thence south 40 degrees east 5.98 chains; thence south 46 degrees and 30 minutes east 4.48 chains; thence south 60 degrees and 45 minutes east 6.37 chains; thence south 78 degrees and 15 minutes east 2.27 chains to a stone corner at the northwest corner of the lands conveyed to Henry Meyer and John C. Meyer by William A. Ewing, Executor, by deed dated February 14, 1874, recorded in Deed Record 62, page 113 to 117 of the Deed Records aforesaid; thence south 18 degrees and 37½ minutes west a distance of 2.41 chains to a gas pipe corner intersecting with the southern boundary line of township 30 north, range 12 east; thence west on said township line 45.75 chains to a gas pipe corner, the place of beginning, containing 159.43 acres, more or less, according to the survey set out in book 9, page 56 of the Plat Books in the Recorder's Office of Allen County, Indiana, subject to all legal highways.

It being the intention of all the parties hereto to have this mortgage include all that part of a certain tract of real estate conveyed by the Maumee Valley Land Company to Laffer C. Poland, by deed dated May 24, 1922, lying north of the township line between townships 29 and 30 north.

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This mortgage is second and subsequent to a mortgage given the Home Loan and Savings Association, of August 21, 1941, recorded in Mtg. Rec. 429, page 542 of the Allen County Records.

To secure payment of one promissory note for \$1400.00, payable in installments of \$14.00 or more per month, as in said note provided, with 6 per cent interest per annum.

(Exempt from tax under Sec. 1 (b))

Recorded June 22, 1942.

Mortgage Record 434, page 540.

On Margin: I hereby acknowledge full payment and satisfaction of the within notes and mortgage.

Home Loan and Savings Association

By William J. Hess, Secretary

Attest: May 4, 1943 Lester E. Garman, Allen County Recorder.

State of Indiana, Allen County, SS:

The undersigned, Walpole G. Colerick, in connection with subjects relating to the title to Richardville Reserve of three sections of land, situated west of the St. Mary's River in Allen County, State of Indiana, granted to Jean Baptist Richardville, principal Chief of the Miami Nation of Indians, under the terms of the Treaty of October 16, 1818, and for which said land Patent issued by the United States to said Richardville, recorded in book 197, page 465 to 467 of the Deed Records of Allen County, Indiana, says:

That he is acquainted with William Cass, hereinafter referred to in this affidavit; that said Cass is the same person who is also known by his Indian name Me-she-no-quah; that affiant's uncle, Henry R. Colerick, was appointed Guardian of said Cass by his said Indian name, January 29, 1855, as shown in Guardianship Record 1, page 54 in the Clerks Office of said Allen County; that the said Guardianship of said Me-she-noe-quah is, as he believes, the same Guardianship referred to in book G, page 108 436, Book H, page 63 and Book I, pages 439 and 440 of the Probate Order Books in the Clerk's Office of said Allen County, and that said Cass, is, as affiant believes, the same person who is variously referred to as Mechekenocquah, Meshenocquah, Meshekenocquah in the proceedings set out in Final Record A, pages 459 to 470 of the Common Pleas Court of said Allen County, and that affiant's father, David H. Colerick is the same D. H. Colerick who was counsel in said proceedings, and that said William Cass is the same Me-she-ke-no-quah, plaintiff in the proceedings referred to in Final Record C, pages 466 to 471 of said Court.

That affiant was acquainted with Archange Godfrey, late of Allen County, State of Indiana, and that she is, as he believes, the same person variously named Man-go-ze-qua and Man-go-sah-quah, wife of James R. Godfrey, in the will of her mother, La Blonde, alias Maria Louisa Richardville.

That Archange Godfrey aforesaid is, as he believes, the same person variously referred to in the chain of title to said Reserve and the records and proceedings relating thereto as Archange Godfrey, Archange Godfroy, Man-go-ze-qua, Mun-go-se-quah, Mun-go-sah-quah, Man-go-sah-quah, Mango-sah-quoh, Mongo-sah-quoh, Mon-go-sah-quah, Mongozechuah, Mongosechquah and Mongosequah.

And in relation to the deed recorded in Book P, page 65 of the Deed Records of Allen County, Indiana, being the deed acknowledged May 3, 1854, executed by James R. Godfrey and his wife, Archange Godfrey aforesaid, by the name of Man-go-sah-quoh, signed Mon-go-sah-quah, to Allen Hamilton and Joseph K. Edgerton; this affiant says that he knew all of the parties to said deed; that Allen Hamilton, one of the grantees thereof is, as he believes, the same Allen Hamilton named as grantee of the deed executed August 28, 1841 by La Blonde and Susan Richardville, recorded in Book D, page 453.

That all of the children of James R. Godfrey and Archange Godfrey, named in the deed aforesaid, recorded in Book P, page 108 655 are now dead, as he has been informed and believes, excepting only Anna Stuck, also known as Annie Stuck, wife of William J. Stuck, hereinafter referred to.

That Lousa Godfroy named in said deed is Louise Godfrey, afterwards the wife of William Cass, and from whom she was divorced and afterwards married George Neeb.

And affiant says, in relation to the suit instituted in the Allen Circuit Court of said Allen County, Indiana, by Archange Godfrey aforesaid, by the name of Archange Godfroy, vs. Joseph K. Edgerton, et al, that Joseph K. Edgerton, one of the defendants to said suit is the same Joseph K. Edgerton above referred to in this affidavit, and that he is now dead. That Emerine Hamilton, widow, and Andrew H. Hamilton, Montgomery Hamilton, Mary Hamilton, Margaret Hamilton and Ellenor Hamilton of the defendants to said suit are, as he believes, the widow and only children of

Allen Hamilton, deceased, above referred to in this affidavit.

That Mary Strack and Charles Strack, of the defendants to said suit, are the same Mary Godfrey above referred to in this affidavit and her husband above referred to in this affidavit as Charles F. Strack.

That Louise Cass, of the defendants to said suit, also known as Louisa Casa, is the same Louise Godfrey above referred to in this affidavit and that William Cass was her first husband, and is the same William Cass above referred to in this affidavit. The James R. Godfroy, of the defendants to said suit, was the husband of the plaintiff and that the Mary Strack, Louisa Cass, George Godfroy, John Godfroy, Catherine Godfroy and Anna Godfroy, afterwards Anna Stuck, of the defendants to said suit, are respectively the same and identical persons above referred to in this affidavit as children of the plaintiff in said suit, and her husband, said James R. Godfroy.

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The suit above referred to being the suit appearing in Book P, pages 240, 261 and 262 of the Order Books of said Allen Circuit Court.

That affiant was acquainted with all of the parties to said suit, that Andrew H. Hamilton named in the caption of the complaint filed in said case and Holman A. Hamilton, Holman Hamilton and Holeman Hamilton, also referred to in said proceedings was one person. That of the defendants, Emerine Hamilton was a widow and Mary Hamilton, Margaret Hamilton, Ellenor Hamilton (who is now the wife of Samuel Wagenhals), George Godfroy, John Godfroy, Catherine Godfroy, and Anna Godfroy were, according to his information and belief, all single at the time of the institution of said proceedings and decree rendered therein, and that the several persons named Godfroy, party to said suit, are respectively the same persons above referred to in this affidavit by the family name of Godfroy. That this affiant and his father, D. H. Colerick, were attorneys for the plaintiff in said cause. That Montgomery Hamilton of the

defendants to said proceedings is the same person also referred to as Montgomery A. Hamilton in said proceedings. That Charles Strack aforesaid is the same person who is variously referred to as Charles Strack, Charles Strock and Charles F. Strike in said proceedings, and the papers filed therein. That Catherine Godfroy is the same person also referred to as Catharin Godfroy. That Mary Strack aforesaid is the same person also referred to as Mary Strock in said proceedings. Said proceedings also being referred to in Book P, pages 126 and 240, 261 and 262 of the Order Books of said Court. That Margaret Hamilton aforesaid is the same person also referred to as Maragat in said proceedings. That this affiant is the same Walpole G. Colerick who was appointed Commissioner in said proceedings as shown in the entry appearing in Book P, pages 261 to 263 aforesaid.

108

That Archange Godfrey and her husband aforesaid are the same persons referred to in the plat appearing in Deed Record 52, page 54 and that the lands described in said Plat are, according to his information and belief, a part of the 3 Sections first above referred to in this affidavit.

That said Archange Godfrey and her husband are, as he believes, the same persons who executed the deed dated May 26, 1870, to Julian Benoit, recorded in Book 174, page 230 of the Deed Records of said Allen County.

That affiant was acquainted with said Julian Benoit and that he is, as affiant believes, the same person who executed the deed dated June 12, 1870, recorded in Book 52, page 163 of said Deed Records, to Archange Godfrey by the name of Archange Godfroy, and to her son, George Godfrey. That Julian Benoit named in the granting clause of said deed and J. Benoit who signed the same and Juliam Benoit referred to in the certificate of acknowledgment is, as he believes, one person, and that said grantor, who was then a catholic priest was over 21 years of age, single and unmarried at the time of executing said deed, to-wit: June 12, 1870.

That William Cass aforesaid is, as he believes, the same Me-che-ke-no-quah referred to in the proceedings instituted by Millard W. Simons vs. Board of Commissioners, Allen County, Indiana, in the Allen Circuit Court referred to in Book 21, page 44, 46, 47, 63, 65, 68, 102, 104, 114 to 121 and page 361, pages 496 to 497, said Court, and that he is the same William Cass who, together with his then wife, Louise Cass, executed the deed to this affiant, recorded in Book 48, page 555 of the Deed Records of said Allen County.

That said Grantor is the same person also variously referred to in said deed as recorded, as Mish-e-ka-no-quah and Mesh-e-ka-no-quah; that his wife, Louisa U. Cass who signed and acknowledged said deed, and that she is the same person above referred to in this affidavit as one of the daughters of Archange Godfrey aforesaid, and that her mother, said Archange Godfrey is the same Archange Godfrey referred to in said deed.

108 That this affiant is the same person who executed the deed dated March 27, 1867, William Cass aforesaid also designated in said deed as Mish-e-ke-no-quah and Louisa, his wife, for life, remainder in trust as stated in said deed, and which said deed is recorded in Book 48, page 556 of the Deed Records of said Allen County, and that this affiant was over 21 years of age, single and unmarried at the time of executing said deed.

That said Louisa Cass is the same person who instituted the suit in the Allen Circuit Court vs. her first husband, William Cass aforesaid, et al. That said William Cass is the same William Cass above referred to in this affidavit and that he is the same person also variously referred to in said proceedings as Mishekeno-quah (an Indian) and Meashekenoqua. That this affiant was attorney for the plaintiff in said cause. Said cause being the same proceedings referred to in Book 18, pages 54, 83 to 86 and 87 of the Order Books of said Court and referred to in the deed recorded in Book 127, page 427.

And in relation to said suit, this affiant says:

That James R. Godfrey, now deceased, of the defendants to said suit, was the father of the plaintiff, said Louisa Cass, and that he is now dead.

That John Godfrey, of the parties to said suit was a brother of the plaintiff and is the same John Godfrey above referred to herein; that Esther Godfrey, afterwards the wife of one Callahan, is, as he has been informed and believes, a daughter of said John Godfrey and Mary Godfrey, his wife.

That George Godfrey of the defendants to said suit was the brother of the plaintiff and son of Archange Godfrey aforesaid, and is now deceased and is the same George Godfrey referred to herein.

That Charles F. Strack aforesaid is the same person named Charles Strack of the parties to said suit.

108 That Louisa Cass, plaintiff in said suit, is the same Louisa Cass referred to in the deed executed June 26, 1886 by Samuel R. Alden, Commissioner appointed in said suit, and later became the wife of George Neeb, as he is informed and believes to be true.

And affiant further says that William Cass aforesaid is the same person variously referred to as Me-she-ka-no-quah, Me-she-ke-no-quah and Me-she-ke-no-qua in the Guardianship proceedings set out in Book H, pages 305, 318, 367, 445 to 448 of the Probate Order Books in the Clerk's Office of said Allen County.

And affiant further says as to the petition filed by Archange Godfrey aforesaid by her attorney, D. H. Colerick, affiant's father, which said petition is set out in Book A, page 465 of the Final Records of the Common Pleas Court, Allen County, Indiana, this affiant says that said Archange Godfrey was, as he believes, the same petitioner named Mongoseickquah in said petition and that Meshenocquah named in said petition was, as he believes, the same William Cass above referred to in this affidavit.

That the reference to Books and pages contained in this

affidavit were furnished to this affiant from an abstract company by John C. Heller, Abstracter, for Lot 6 and tract adjoining the same in Richardville Reserve aforesaid, situated in Township 30 North, Range 12 East, Allen County, State of Indiana, said Lot being the same Lot 6 designated on the plat recorded in Book 52, page 54 of the Deed Records in the Recorder's Office of said Allen County.

That the facts herein stated are true to the best of affiant's knowledge, information and belief.

Walpole G. Colerick

Subscribed and sworn to before me, this 25th day of June, 1909.

(Notary Seal)

Margaret E. Snodgrass
Notary Public

Recorded April 27, 1910. Miscellaneous Record 36, pages 451-456.

State of Indiana, Allen County, SS:

John Hartman, being duly sworn on his oath, says that he is 80 years of age, that affiant came to Allen County, State of Indiana in the year 1841, and that he has resided in said County ever since, excepting only several short periods of absence, and that he now resides in the City of Fort Wayne, Indiana. That affiant, when he first came to said Allen County, Indiana, became acquainted with the family of John B. Richardville, principal or peace chief of the Miami tribe of Indians, residing in Richardville Reserve, hereinafter referred to.

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That said John B. Richardville is the same Jean Bapt. Richardville to whom the Patent issued recorded in Book 197, pages 465 to 467 of the Deed Records in the Recorder's Office of said Allen County, Indiana. That he was also known by the name of Jean Baptist Richardville. That said John B. Richardville built a brick house on the 3 Sections described in said Patent, and which he occupied as his home, and that he resided and made his

home therein at the time of his death.

That Jean Bapt. Richardville to whom the Patent issued, aforesaid issued, is the John B. Richardville who executed the will dated April 9, 1841, probated August 27, 1841, recorded in Book 1, page 35 to 40 of the Will Records in the Clerk's Office of said Allen County. That this affiant remembers seeing said John B. Richardville, but that said John B. Richardville died shortly after this affiant came to Allen County, Indiana.

That this affiant is informed and verily believes that no child or children were born to said John B. Richardville after the execution by him of his said will, and that he left no widow surviving him. That this affiant, while a young boy, became acquainted with the descendants of said John B. Richardville, residing on said 3 Sections, and their family history, and that he kept up his acquaintance with them afterwards, and that this affiant verily believes that all of the facts stated in this affidavit are true, and that he was never heard or known of any claim being asserted contrary or in contradiction of the facts in this affidavit stated.

109

That said John B. Richardville is the same person decedent referred to as J. B. Richardville in Book B, page 188 of the Probate Order Books in the Clerk's Office of said Allen County, and who is referred to as John B. Richardville in the entries appearing in Book C, pages 17-21 of the said Probate Order Books.

And affiant further says that he was acquainted with La Blonde, alias Maria Louisa Richardville, daughter of John B. Richardville, deceased; that she was also often popularly referred to as "red head" and that she is the same person named in item 2 of the Will aforesaid of said John B. Richardville.

That the 3 sections referred to in the Patent aforesaid, are the same and identical 3 sections of land devised by said John B. Richardville to his daughter, La Blonde aforesaid, by the terms of said item 2 of his said will.

That said La Blonde is the same La Blonde, alias Maria Louisa

Richardville, signed La Blonde Richardville, who joined in the execution of the said deed dated August 28, 1841, to Allen Hamilton, recorded in Book D, page 453 of the Deed Records of said Allen County, and that she was over 21 years of age and unmarried at the time of executing said deed. That this affiant knows that said La Blonde made her home on the three sections aforesaid, and resided and made her home thereon at the time of her death, and occupied the brick house thereon above referred to, built by her father, John B. Richardville aforesaid. That said La Blonde is the same Maria Louise Richardville who executed the will dated May 23, 1846, probated June 1, 1847, recorded in Book 1, page 118 to 121 of the Will Records aforesaid.

That La Blonde aforesaid, and La Bland, alias Maria Louisa Richardville, who executed said will, is one person. That no child or children were born to her after the execution by her of her said will, and that she was unmarried at the time of executing said will, and that she left no widower surviving her.

109

That affiant never became acquainted with Cattes, alias Catharine, wife of Francis Lafontaine, daughter of John B. Richardville aforesaid, referred to in item 1 of his will, and that within affiant's recollection, said Catees or her descendants never resided on the three sections above referred to or any part thereof.

That affiant never became acquainted with Susan, daughter of said John B. Richardville, referred to in item 3 of his will, and that within affiant's recollection, she or her descendants never resided on said three sections or any part thereof.

That this affiant believes that said Susan is the same Susan Richardville who joined in the deed above referred to, recorded in Book D, page 453, and that this affiant is informed and believed that she was over 21, single and unmarried at the time of the execution of said deed, to-wit: August 28, 1841.

And affiant further says that La Blonde aforesaid is the same decedent referred to as La Blond, alias Maria L. Richardville, in the entry appearing in Book C, page 480 of the Probate Order Books in the Clerk's Office of said Allen County, and who is referred to as La Blonde Richardville in the entries appearing in Book E, page 452 and F, page 39 of said Probate Order Books, and in Book F, pages 504 to 515 of the Probate Final Records in said Clerk's Office, and referred to in the papers filed in said matter, and that she is also the same person variously referred to as La Blonde and La Blond in the papers and proceedings had in the matter of the settlement of the estate of her father and who is referred to in the deed hereinafter referred to, recorded in Deed Record P, page 655 as La Bland, otherwise called Maria Louisa Richardville.

109

And affiant further says that he at one time occupied a part of the 3 sections aforesaid as tenant, that affiant assisted in making the survey of said three sections, recorded in Book 52, page 54 of the Deed Records of said Allen County. That the land referred to in said survey as Richardville Reserve West side St. Marys River, Township 30 North, Range 12 East, 2nd Principal Meridian, are the same and identical 3 sections of land referred to in the Patent aforesaid, issued to John B. Richardville. That the line dividing the Section or parcel of 640 acres, designated on said plat as Lots 1, 2, 3, 4 and the tract marked "William Cass" from the Section or parcel of 640 acres designated as Lots 5, 6, 7, 8, 10 and 11, on said plat, is the same and identical dividing line, as this affiant is informed and believes, which was run after the death of said La Blonde, to divide the tract by her devised to her son, George Ossem, by the terms of item one of her will, from the tract devised by her to her daughter, Archange Godfrey by the terms of item 2 of her said will, and that said line is supposed to be and as this affiant believes, is the same and identical line dividing the North 2 sections of said Reserve

into an East and West half, and which said dividing line is designated on the plat recorded in Book A, page 280 of the Record of Surveys in the Surveyors Office of said Allen County, dividing the North 2 sections of said Reserve into halves or parcels of about 640 acres each.

That the brick house above referred to herein, built by John B. Richardville, and in which his daughter, La Blonde, aforesaid made her home at the time of her death, and at the time she executed the will, is situated on the tract lying East of that said line and between said line and the St. Mary's River, and that said tract is the same tract composed of Lots 1, 2, 3, 4, and the tract marked "William Cass" designated on the plat aforesaid, recorded in Book 52, page 54, and is the identical parcel or tract devised to George Ossem by said La Blonde, by the terms of Item 1 of her will, and is the identical Section or tract of 640 acres of which said George Ossem took possession under said will, and that he and those claiming under him have been in the actual possession thereof ever since.

109

That the parcel of 640 acres lying West of said line or between said line and the South West line of said Reserve, and being the same section or parcel designated on the plat, recorded in Book 52, page 54 aforesaid, as lots 5, 6, 7, 8, 10 and 11, is the same parcel William Beck occupied as tenant at the time of the death of said La Blonde, and on which the house was situated he then occupied, and is the same parcel devised by said La Blonde to her daughter, said Archange Godfrey by item 2 of her will, and is the same tract of which said Archange Godfrey took possession under said item of said will, and that she and those claiming under her have been, to affiant's certain knowledge, in the actual possession thereof ever since.

That affiant was well acquainted with George Ossam aforesaid; that he is the same person also variously designated George Ossem, George Aussem, Ke-la-ke-mo-ke-ah, Ke-le-ke-mo-ke-oh and

Ke-lake-no-ke-ah in the will aforesaid, of his mother, La Blonde aforesaid, and in the records and proceedings relating to the estate of La Blonde aforesaid, and in the record relating to the title to said Richardville Reserve.

And affiant further says that George Ossem aforesaid is the same decedent variously referred to in the Records in the Clerk's Office of Allen County, Indiana, George A. Aussem in Administrator's Bond Record 1, page 29, and Probate Order Book E, page 297, and Book W, page 286, and George A. Aussum in Administrators Bond Record 1, page 387, and George Aussum in Probate Order Book I, page 143.

That affiant knows it to be a fact that the 640 acres aforesaid, devised to George Ossem aforesaid, by the terms of the will of his mother, La Blonde, aforesaid was, upon the death of said George Aussem divided between Archange Godfrey aforesaid and William Cass.

109 That Archange Godfrey aforesaid, is the same person variously referred to in the chain of title to said Reserve and the records and proceedings relating thereto, as Archange Godfrey, Archange Godfroy, Man-go-ze-qua, Mun-go-ae-quah, Mun-gosah,quah, Man-go-sah-quah, Mungo-sah-quoh, Mongo-sah-quoh, Mon-go-sah-quah, Mongozequah, Mongoseekquah and Mongosequah.

That affiant is informed and believes that George Ossem aforesaid is the same person variously named George Ossem, George Osaum, George Aussum, George Aussem, Ke-la-ke-mo-ke-ah, Ke-le-ke-mo-ke-oh, Ke-lake-no-ke-ah, Ke-la-ke-wa,ke-oh in said chain of title.

And in relation to the deed recorded in Book P, page 655 of the Deed Records of said Allen County, being the deed acknowledged May 3, 1854, executed by James R. Godfrey and his wife, Archange Godfrey aforesaid, by the name of Mango-sah-quoh, signed Mon-go-sah-quah, to Allen Hamilton and Joseph K. Edgerton, this affiant says, that he was well acquainted with all of the parties

to said deed; that Allen Hamilton, one of the grantees thereof, is the same Allen Hamilton named as grantee of the deed aforesaid, executed August 28, 1841, by La Blonde and Susan Richardville, recorded in Book D, page 453.

That all of the children of James R. Godfrey and Archange Godfrey, named in the deed aforesaid, recorded in Book P, page 655, are now dead, excepting only Anna Stuck, also known as Annie Stuck, wife of William J. Stuck, hereinafter referred to.

That of said children, one of them, namely, Mary Godfrey, named Mary Godfroy in said deed, afterwards married Charles F. Strack; James Godfrey, named James B. Godfroy in said deed, died a single man during the war of the rebellion, as affiant is informed and believes; John Godfrey died about the year 1904, intestate, and was this affiant's son-in-law.

109 That George Lewis Godfrey referred to in said deed, is the same George Godfrey who executed the will appearing in Book 11, pages 259 and 260 of the Will Records in the Clerk's Office of said Allen County, and that he is the same George Godfrey whose estate is referred to in Probate Order Book 21, page 85, and Book 23, pages 56 to 58 and 165, and that he is the same George L. Godfrey whose estate is referred to in Order Book 21, page 301 of the Probate Order Books of the Allen Circuit Court, and that he died leaving no widow or issue.

That Louisa Godfroy, named in said deed, is the identical Louise Godfrey, afterwards the wife of William Cass, and from whom she was divorced, and afterwards married George Neeb. That Catherine Louisa Godfroy, referred to in said deed, also known as Catherine Godfrey, was never married and died many years ago.

That Susan Godfrey, named in said deed, also known as Susan Godfrey, as affiant is informed and believes, died in her infancy, unmarried and leaving no child or children surviving her.

And affiant further says that George Ossem aforesaid, son of La Blonde aforesaid, left no widow and no other child or children surviving him, excepting only William Casa above referred to in this affidavit, and that said William Casa is the same person also known by the Indian name of Me-she-noe-quah. That said William Casa is the same Me-che-noe-quah referred to in Guardianship Bond Record 1, page 54, and in Probate Order Book G, page 436 in the Clerk's Office of Allen County, Indiana.

That said William Casa is the same person referred to as William Casa, alias Me-she-no-quah in Guardians Bond Record 1, page 231, Probate Order Book H, page 63, Probate Order Book I, page 439 and 440 of the Records in the Clerk's Office of said Allen County, and that he is the same person variously referred to as Mechekenoequah, Meshenocquah and Meshekenoquah in the suit set out in Final Record A, pages 459 to 470 of the Records of the Common Pleas Court, Allen County, State of Indiana, and referred to as Me-she-ke-no-qua in the proceedings set out in Final Record C, pages 466 and 471 of said County.

109

That he is also the same William Casa, one of the defendants of the suit instituted by Archange Godfrey aforesaid, by the name of Archange Godfroy vs. Joseph K. Edgerton aforesaid, et al, in the Allen Circuit Court, Allen County, Indiana, November 15, 1867, referred to in Book P, page 240, 261 and 263 of the Order Books of said Court. That of the defendants to said suit, Mary Strack, Louisa Casa, George Godfroy, John Godfroy, Catharine Godfroy and Anna Godfroy were the six only children of said Archange Godfroy then living, and all of whom, excepting said Catharine Godfroy and Mary Strack survived their mother, said Archange Godfroy. That the family variously referred to in the chain of title to said Reserve as Godfrey and Godfroy is one and the same.

That Charles Strack, one of the defendants to said suit,

also known as Charles F. Strack, was the husband of Mary Strack aforesaid.

That William Cass, one of the defendants to said suit, is the same William Cass above referred to herein, and was the husband of Louise Godfrey above referred to herein.

That Anna Godfroy, one of the defendants to said suit, is the same Anna Godfrey above referred to herein, and is now the wife of William J. Stuck. That James R. Godfroy of the defendants to said suit, was the husband of the plaintiff, said Archange Godfroy.

That George Godfroy, John Godfroy and Catharine Godfroy, of the defendants to said suit, are all dead.

109 And affiant further says that John Godfrey aforesaid married affiant's daughter, Mary Hartman, who predeceased him; that said John Godfrey died leaving no widow surviving him, and that he left as his only heirs heirs at law his children, John Godfrey, whose wife's name is _____ Godfrey, residing in Fort Wayne, Indiana; Mary, now the wife of Benjamin Rensman, residing at Peru, Indiana; Laura, the wife of William Rowe, residing in the State of Ohio; Frank Godfrey, unmarried, residing in Pennsylvania; Esther, formerly the wife of one Callahan, now the wife of Roy Smith, residing in Chicago; all of whom are over 21 years of age. And affiant further says, in relation to the suit referred to in Book 18, pages 82 to 86 of the Allen Circuit Court, Allen County, State of Indiana, instituted by Louise Cass aforesaid against William Cass aforesaid, that Louise Cass, Celiste Cass and Ella Cass, of the defendants to said suit are dead, and that they were children of Louise Cass, plaintiff in said suit, and that Celeste Cass and Ella Cass died unmarried, leaving no issue surviving them.

That William Cass aforesaid, is the same person variously referred to as Me-she-ka-no-quah, Me-she-ke-n-quah in the proceedings set out in Probate Order Book H, pages 305, 318, 367,

445 and 448 in the Clerk's Office of said Allen County.

And affiant further says that Archange Godfrey and James R. Godfrey aforesaid, are the identical Archange Godfroy and James R. Godfroy who executed the deed dated May 26, 1870 to Julian Benoit, recorded in Book 174, page 230 of the Deed Records of said Allen County. That affiant was well acquainted with said Julian Benoit, and that he is the same person who executed the deed dated June 12, 1870, recorded in Book 52, page 163 of the Deed Records of said Allen County, and that said Julian Benoit was over 21 years of age and unmarried at the time of executing said deed, and that Julian Benoit named in the granting clause of said deed and J. Benoit who signed the same and Julian Benoit referred to in the certificate of acknowledgment thereto attached is one and the same person; that Archange Godfroy named as one of the grantees of said deed is the same Archange Godfrey above referred to in this affidavit, and that George Godfroy, the other grantee named in said deed was her son, and that Jas. R. Godfroy referred to in said deed is the identical James R. Godfrey above referred to in this affidavit.

And further affiant says not.

his
John x Hartman
mark

Attest:

C. W. Kuhne
Paul F. Kuhne

Subscribed and sworn to before me, this 27th day of May,
1909.

(Notary Seal) C. W. Kuhne
Notary Public

Recorded April 27, 1910. Miscellaneous Record 36, pages 457-463.

Kuhne & Company, Inc.

FORT WAYNE, INDIANA

This Certificate Witnesseth, That the undersigned Company, in consideration of the payment of its fee therefor, and subject to the exceptions hereinafter specified, does hereby certify, for the use and benefit of any owner of the real estate hereinafter described, his mortgagees, trustees, vendees, and assigns, that the foregoing, consisting of 169 sheets, numbered consecutively, is a complete and correct abstract of all instruments, entries and proceedings, entered or filed of record, in Allen County, Indiana, during the period of time hereinafter specified, affecting the following real estate in said county:

Lot No. 20 in Winchester Heights Addition, Section "A" to the City of Fort Wayne, Indiana, being a Subdivision of part of Richardville Reserve, in Section 35 in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

That all instruments, entries and proceedings, transferring or otherwise affecting the ownership of said real estate, or any part thereof, or any interest therein, have been included;

That there are no instruments, entries or proceedings, which are liens against said real estate, except those shown; that the status of such liens is correctly set forth, including any assignments thereof; that all satisfied liens and all releases and other evidences of satisfaction of such liens have been included; that (in case this Certificate be made to the continuation of an abstract) all changes in the status of liens, shown as such on this abstract prior to this continuation thereof, have been correctly noted or shown:

The period of
time certified
to herein is:

From: the first record thereof
To: November 20, 1947 at 5:00 P.M.

This Certificate includes only matters entered or filed of record during said period, except in case of judgments. Certificate includes all judgments effective as liens entered on the Judgment Dockets of the Circuit and Superior Courts of said County, at any time during the ten years last preceding the date of this Certificate, against all owners of the above described real estate whose names are shown by the records as holding title at any time during the period covered by this Certificate, under the names by which said owners acquired title. Other liens, including special assessments, which appeared of record prior to said period, are not included, even though existing during said period; nor shall any liability exist in connection with special assessments, unless and until such assessment shall have become a lien enforceable as such during said period. Any part of the above described real estate lying within any public road or highway is not herein included as a part thereof. Personal taxes, Adoption Proceedings, Chattel records and Conditional Sales are not included. Proceedings of the Board of Zoning Appeals, City Planning Commission and Board of Park Commissioners are not included unless recorded in the office of the County Recorder. Pending suits are not included unless the above described real estate is the subject matter thereof, or a *Lis Pendens* notice has been filed, describing said real estate. The records of the United States District Court are not included, unless expressly specified. Exceptions from search, if any, specified in abstract, *hinc pro tanto* this certificate.

No liability shall exist under this Certificate unless the fee in consideration of which the same is made shall have been paid. This Certificate shall be voidable without notice at the option of the Company at any time after the expiration of sixty days from the date thereof for non payment of such fee. No such fee shall be considered paid until received by the Company.

This Certificate is hereby amplified to include, subject to the foregoing stipulations, all entries and proceedings during the ten years last preceding the date hereof, affecting the title to said real estate or effective as liens against the same, shown by the records of the District Court of the United States, for the Northern District of Indiana, Fort Wayne Division.

In Witness Whereof, Said Company hath caused its corporate Seal to be hereunto affixed and these presents to be signed in facsimile by its President and attested under authority of its By-laws, as of the hour and day and year last above written.

KUHNE & COMPANY, INC.

By

Attest:

PRESIDENT

VICE PRESIDENT
SECRETARY

13323

HPB:CGS

KUHNE & COMPANY, INC.

CONTINUATION OF ABSTRACT

for

THE FOLLOWING DESCRIBED REAL ESTATE

in

ALLEN COUNTY, INDIANA.

Lots Numbered 20 and 21 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, Indiana, being a Subdivision of part of Richardville Reserve in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

Compiled by
KUHNE & COMPANY, INC.
Fort Wayne, Indiana.

June 9, 1949. WILLIAM E. PAVEY and OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, Convey and Warrant to RICHARD SHROYER and LORA SHROYER, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described Real Estate in Allen County, in the State of Indiana, to-wit:

Lot No. 21, Winchester Heights Addition, Section A to the City of Fort Wayne, Indiana being a Sub-division of part of Richardville Reserve, in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

(Revenue Stamps \$1.10)

William E. Pavey (Seal)

Opal Pavey (Seal)

Acknowledged June 10, 1949 by William E. Pavey and Opal Pavey, husband and wife, Grantors, before Mercedes J. Mettler, Notary Public, Allen County, State of Indiana. (Notary Seal)

Recorded June 17, 1949

Deed Record 416, page 96

August 3, 1951. WILLIAM E. PAVEY and OPAL PAVEY, husband and wife, of Allen County, in the State of Indiana, Convey and Warrant to RICHARD SHROYER and LORA L. SHROYER, husband and wife, of Allen County, in the State of Indiana, for and in consideration of \$1.00 and other valuable considerations, the following described Real Estate in Allen County, in the State of Indiana, to-wit:

Lot No. 20 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, Indiana, being a Subdivision of part of Richardville Reserve in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

(Revenue Stamps \$1.10)

William E. Pavey (Seal)

Opal Pavey (Seal)

Acknowledged August 3, 1951 by William E. Pavey and Opal Pavey, husband and wife, Grantors, before Mercedes J. Mettler, Notary Public, Allen County, in the State of Indiana. (Notary Seal)

Recorded August 29, 1951

Deed Record 445, page 477

E A S E M E N T

18 \$145.00 647270

Approved F. W. Thelion, Jr.
Asst. Division Attorney

Received of the AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA, INC., \$145.00, in consideration of which the undersigned hereby grant and convey unto said Company, its associated and allied companies, its and their respective successors, assigns, lessees and agents, a right of way and easement to construct, operate, maintain, replace and remove such communication systems as the grantee may from time to time require, consisting of underground cables, wires, conduits, manholes, drains and splicing boxes, and surface testing-terminals, repeaters, repeater housings and markers, and other appurtenances, upon, over and under a strip of land one rod wide across the land which the undersigned own or in which the undersigned have any interest in that

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part of Richardville Reserve west of the St. Mary's River and of Beaubien Reserve, in Township 29 North of Range 12 East, and containing 136.10 acres of land be the same more or less, Township of Wayne, County of Allen, and State of Indiana,

together with the following right: Of ingress and egress over and across the lands of the undersigned to and from said strip for the purpose of exercising the rights herein granted;

to place surface markers beyond said strip; to clear and keep cleared all trees, roots, brush and other obstructions from the surface and subsurface of said strip and within seven feet thereof; and to install gates and stiles in any fences crossing said strip. The north boundary of said one rod strip shall be a line parallel to and five feet northerly of the first cable laid, which cable shall have its location indicated upon surface markers set at intervals on the land of the undersigned or on adjacent lands. The undersigned for themselves, their heirs, executors, administrators, successors and assigns, hereby covenants that no structure shall be erected or permitted on said strip. The grantees agree that the said cables shall be buried below plow depth in order not to interfere with the ordinary cultivation of the strip, and to pay for damage to fences and growing crops arising from the construction and maintenance of the aforesaid systems.

Signed and sealed this 28th day of October, 1947, at 128 West Rudisal,
Ft. Wayne, Ind.

(Now, 526 West Rudisal St.)

(Revenue Stamps \$.55)

William E. Pavey (Seal)

Opal Pavey (Seal)

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Acknowledged October 28, 1947 by William E. Pavey and Opal Pavey,
husband and wife, before Willis E. Drake, Notary Public, Grant County,
State of Indiana. (Notary Seal)

Recorded November 22, 1947

Deed Record 397, page 554

Received of the AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF
INDIANA, INC. \$1.00, in consideration of which the undersigned hereby
grant(s) and convey(s) unto said Company, its associated and allied
companies, its and their respective successors, assigns, lessees and
agents, a right of way and easement to construct, operate, maintain,
replace and remove such communication systems as the grantees may
from time to time require, consisting of underground cables, wires,
conduits, manholes, drains and splicing boxes, and surface testing-
terminals, repeaters, repeater housings and markers, and other ap-
purtenances, upon, over and under a strip of land 1 rod wide across
the land which the undersigned own(s) or in which the undersigned
have (has) any interest in

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part of Richardville Reserve west of the
St. Mary's River and of Beaubien Reserve,
in Township 30 North of Range 12 East,
containing 159.43 acres of land be the same
more or less.

Township of Wayne, County of Allen, and State of Indiana, together
with the following rights: Of ingress and egress over and across the
lands of the undersigned to and from said strip for the purpose of
exercising the rights herein granted; to place surface markers beyond
said strip; to clear and keep cleared all trees, roots, brush and other
obstructions from the surface and subsurface of said strip and within
7 feet thereof; and to install gates and stiles in any fences crossing
said strip. The North boundary of said 1 rod strip shall be a line

parallel to and 5 feet northerly of the first cable laid, which cable shall have its location indicated upon surface markers set at intervals on the land of the undersigned or on adjacent lands. The undersigned for themself (f) (ves), their heirs, executors, administrators, successors and assigns hereby covenant(s) that no structure shall be erected or permitted on said strip. The grantees agree that the said cables shall be buried below plow depth in order not to interfere with the ordinary cultivation of the strip, and to pay for damage to fences and growing crops arising from the construction and maintenance of the aforesaid systems.

The purpose of this grant is to correct the description in a grant from the Grantors herein to the Grantees herein, dated the 28th day of October, 1947, and recorded in Deed Record 397 page 554 of the records in the Recorders Office of Allen County, Indiana.

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Signed and sealed this 5th day of October, 1949, at 526 West Rudisall St. Fort Wayne, Indiana.

Witness:	William E. Pavey	(Seal)
K. J. Konop	Opal Pavey	(Seal)

Acknowledged October 5, 1949, by William E. Pavey and Opal Pavey, husband and wife, before K. J. Konop, Notary Public, Marion County, State of Indiana. (Notary Seal)

Recorded October 5, 1949.

Deed Record 419, page 497

ENCUMBRANCES

RESOLUTION

114 WHEREAS, Chapter 174 of the Acts of the General Assembly of the State of Indiana, 1947, extends authority to a City Plan Commission, to extend its planning and zoning jurisdiction into the contiguous unincorporated area outside of the city, provided that such area may not extend more than two miles from the corporate limits of such city and, provided further, that in order to exercise the rights and privileges of the Act over such unincorporated area, the City Plan Commission shall file the limits of such area with the County Recorder of the County in which such city is located;

NOW, THEREFORE, BE IT RESOLVED, That the City Plan Commission of the City of Fort Wayne, Indiana, does hereby determine such limits of the area within the territorial jurisdiction of the City Plan Commission to be those as shown by the accompanying map; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution together with a copy of the map entitled "Territorial Jurisdiction, City Plan Commission, Fort Wayne, Indiana, December 13, 1954" be filed with the County Recorder of Allen County, Indiana.

THIS IS TO CERTIFY that the above is a true and exact copy of a resolution adopted at the regular meeting of the City Plan Commission held December 13, 1954, and that the map attached hereto is the same map referred to therein.

J. Luther Hallett, Secretary

Abstracter's Note: The foregoing is a part of a certain map recorded December 16, 1954 in Plat Record 21, pages 69 to 77. Real Estate herein certified to lies entirely within the area defined by said map.

(Refer to following Number for Zoning Classification.)

115

We make reference to General Ordinance No. 2836, effective March 1, 1955, amending existing zoning regulations of the City of Fort Wayne.

Abstracter's Note: The real estate herein described is located in "R-B" District as shown by Zoning Map.

Journal of Council Proceedings 1955.

MORTGAGORS

RICHARD SHROYER and
LORA L. SHROYER, husband and wife

REAL ESTATE MORTGAGE

FORM Conventional

DATED October 3, 1958

RECORDED October 6, 1958 at
1:48 P.M.

MORTGAGE RECORD 679, Page 521

MORTGAGEE: FORT WAYNE NATIONAL BANK, a national banking
association, with its principal office in the City of
Fort Wayne, Indiana.

Words of Grant: Mortgage and Warrant

Description of Real Estate: The following described real estate
in Allen County, Indiana:

Lots No. 20 and 21 in Winchester Heights
Addition, Section "A", to the City of
Fort Wayne, Indiana, being a Subdivision
of part of Richardville Reserve in Section
35, in Township 30 North of Range 12 East,
according to the plat thereof, recorded in
Plat Record 17, page 89, in the Office of
the Recorder of Allen County, Indiana.

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(Exempt from tax under Section 1 (b).)

To secure the payment, when the same shall become due, of one promis-
sory note of even date herewith, for the principal sum of \$7,000.00
executed by the mortgagors herein to the Mortgagee, payable in month-
ly installments with interest at the rate of 5-1/2% per cent, per
annum and any renewals or extensions thereof.

(For further terms and conditions, see record.)

For Partial Release see #126

Refer to No. 116.

BE IT RESOLVED, That the Chairman of the Board of Directors, the President, any Vice President, the Cashier, any Assistant Vice President, or any Assistant Cashier, or any one of them, be and hereby is authorized and empowered to execute, for and on behalf of this Bank, under its corporate name, any and all releases of mortgages, judgments and/or other liens owned by this Bank, and all such releases heretofore made by any of said officers be and they hereby are ratified and confirmed.

BE IT FURTHER RESOLVED, That similar resolutions of this Board adopted March 12, 1935 and February 9, 1937, insofar as they are inconsistent herewith be and hereby are rescinded.

(Above resolution approved by Board of Directors of Fort Wayne National Bank on January 8, 1941.)

STATE OF INDIANA, COUNTY OF ALLEN, SS:

I, Joseph W. Miller, do hereby certify that I am the duly elected Cashier of Fort Wayne National Bank and Secretary of the Board of Directors; that the above is a true and correct copy of a resolution passed at a meeting of the Board of Directors on January 8, 1941, at which a quorum was present, and that same has not been changed or altered in any way.

Joseph W. Miller

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 12th day of July, 1955.

(Notary Seal)

Catherine E. McGill, _____

Recorded August 2, 1955.

Miscellaneous Record 162, page 350.

TAXES:

Year 1957.

In name of: Richard & Lora L. Shroyer

Description taxed: 2.1 A. Lot 20 Winchester Heights Add. Sec. A

Value of land \$ 300.00

Value of improvements \$ none

Mortgage Exemption \$ none

First installment \$ 7.05 - Paid May 5, 1958

Second installment \$ 7.05 *Paid D. A. T. Co. Inc.*

Tax Duplicate "Wayne", #7110, line 9

Year 1958 not yet on Tax Duplicates.

Abstracter's Note: This item shows all unpaid taxes against the real estate therein described. Personal taxes, if any, have not been included herein.

TAXES:

Year 1957.

In name of: Richard & Lora Shroyer

Description taxed: 1½ A. Lot 21 Winchester Heights Add. Sec. A

Value of land \$ 220.00

Value of improvements \$ 2410.00

Mortgage Exemption \$ none

First instalment \$ 61.80 - Paid May 5, 1958

Second instalment \$ 61.80

Tax Duplicate "Wayne", #7110, line 10

Year 1958 not yet on Tax Duplicates.

Abstracter's Note: This item shows all unpaid taxes against the real estate therein described. Personal taxes, if any, have not been included herein.

Search for judgments against titleholders has been made in and is restricted to the following names:

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1. William E. Pavey
 2. Opal Pavey
 3. Richard Shroyer
 4. Lora L. Shroyer
-

Kuhne & Company, Inc.

FORT WAYNE, INDIANA

This Certificate Witnesseth, That the undersigned Company, in consideration of the payment of its fee therefor, and subject to the exceptions hereinafter specified, does hereby certify, for the use and benefit of any owner of the real estate hereinafter described, his mortgages, trustees, vendees, and assigns, that the foregoing, consisting of 10 sheets, numbered consecutively, is a complete and correct abstract of all instruments, entries and proceedings, entered or filed of record, in Allen County, Indiana, during the period of time hereinafter specified, affecting the following real estate in said county:

Lots Numbered 20 and 21 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, Indiana, being a Subdivision of part of Richardville Reserve in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

That all instruments, entries and proceedings, transferring or otherwise affecting the ownership of said real estate, or any part thereof, or any interest therein, have been included;

That there are no instruments, entries or proceedings, which are liens against said real estate, except those shown; that the status of such liens is correctly set forth, including any assignments thereof; that all satisfied liens and all releases and other evidences of satisfaction of such liens have been included; that (in case this Certificate be made to the continuation of an abstract) all changes in the status of liens, shown as such on this abstract prior to this continuation thereof, have been correctly noted or shown;

The period of time certified to herein is:

From: November 20, 1947 at 5:00 P.M.

To: October 6, 1958 at 1:48 P.M.

This Certificate includes only matters entered or filed of record during said period, except in case of judgments. Certificate includes all judgments, not satisfied of record, entered on the Judgment Dockets of the Circuit and Superior Courts of said County, at any time during the ten years last preceding the date of this Certificate, against all owners of the above described real estate whose names are shown by the records as holding title at any time during the period covered by this Certificate, under the names by which said owners acquired title. Other liens, including special assessments, which appeared of record prior to said period, are not included, even though existing during said period; above described real estate is herein certified to as subject to existing public roads or highways and to regulations by any governmental agency limiting the use thereof. Taxes on personal property, adoption proceedings, conditional sales as defined in the Uniform Conditional Sales Act and liens on or transfers of the title to chattels and such as may have become fixtures are not included. Pending suits are not included unless the above described real estate is the subject matter thereof, or a Lis Pendens notice has been filed, describing said real estate. The records of the United States District Court are not included, unless expressly specified. Exceptions from search, if any, specified in abstract, limit pro tanto this certificate.

No liability shall exist under this Certificate unless the fee in consideration of which the same is made shall have been paid. This Certificate shall be voidable without notice at the option of the Company as any time after the expiration of sixty days from the date thereof for non-payment of such fee. No such fee shall be considered paid until received by the Company.

This Certificate is hereby amplified to include, subject to the foregoing stipulations, all entries and proceedings during the ten years last preceding the date hereof, affecting the title to said real estate, or effective as liens against the same, shown by the records of the District Court of the United States, for the Northern District of Indiana, Fort Wayne Division.

In Witness Whereof, Said Company hath caused its corporate Seal to be hereunto affixed and these presents to be signed in facsimile by its President and attested under authority of its By-laws, as of the hour and day and year last above written.

KUHNE & COMPANY, INC.



Attest:

W. E. Wenger
PRESIDENT
Paul
VICE-PRESIDENT
SECRETARY

#63245

PR:JJ

KUHNE & COMPANY, INC.

CONTINUATION OF ABSTRACT
FOR
THE FOLLOWING DESCRIBED REAL ESTATE
IN
ALLEN COUNTY, INDIANA

Lot Numbered 20 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, Indiana, being a Subdivision of part of Richardville Reserve in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

Dreibelbiss Abstract of Title Company, Inc.
Fort Wayne, Indiana



- - - E N C U M B E R A N C E S - - -

Bill No. R-60-06-10

RESOLUTION NO. R-28

WHEREAS, Chapter 174 of the Acts of the General Assembly of the State of Indiana, 1947, authorizes a City Plan Commission to extend its planning and zoning, jurisdiction into the contiguous unincorporated area outside of the city, provided that such area may not extend more than two miles from the corporate limits of such city, and,

WHEREAS, it is provided further, that in the event that the County in which any City is located shall have established a County Plan Commission and the County Plan Commission shall have prepared and the Board of County Commissioners of such County shall have adopted a Master Plan and Ordinance covering the unincorporated area of such County, that a City may continue or establish jurisdiction of the contiguous unincorporated area as described if authorized by ordinance of the Board of County Commissioners, and,

WHEREAS, the Board of County Commissioners of Allen County have established a Plan Commission and Master Plan and Ordinance for the unincorporated areas of Allen County, and,

WHEREAS, the Board of County Commissioners of Allen County have on May 11, 1960, passed ordinances authorizing the City Plan Commission of Fort Wayne to establish jurisdiction of the contiguous unincorporated area as shown by the accompanying map, and,

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WHEREAS, the Common Council of the City of Fort Wayne is of the opinion that it is to the interest of the people of the City of Fort Wayne that the unincorporated contiguous area as shown by the accompanying map be included in the territorial jurisdiction of the City Plan Commission of the City of Fort Wayne.

NOW, THEREFORE, BE IT RESOLVED, That the Plan Commission of the City of Fort Wayne accept jurisdiction of the contiguous unincorporated area, and that such jurisdiction become effective when the City Plan Commission of the City of Fort Wayne, Indiana, accepts jurisdiction and defines the areas within the territorial jurisdiction of the City Plan Commission to be those as shown by the accompanying map, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be attached to a copy of the map entitled "Territorial Jurisdiction, City Plan Commission, Fort Wayne, Indiana, June 14, 1960," to be filed with the County Recorder of Allen County, Indiana, and

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Mayor of the City of Fort Wayne for his concurrence and approval.

Carl A. Alter
Patrick W. Donahue
Julian F. Franke, Jr.
John H. Robinson

William T. Hinga
Herbert G. Tipton
Robert W. Dahman
Verlin H. Buchanan

APPROVED BY THE MAYOR -- June 15, 1960

Jurisdiction Accepted by Plan Commission of the City of Fort Wayne
June 20, 1960.

Recorded June 22, 1960 at 1:38 P.M.

Plat Record 25, pages 133-42

Addendum Map No. IV

Approved by City Plan Commission September 26, 1960 shown Real Estate
in Abstract to lie within R B District.



Taxes of 1963. In name of Richard & Lora L. Shroyer.

On Lot 20 Winchester Heights Addition Sec. A 2.1 A.

Value of Lot \$890.00.

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1st Installment \$21.98

2nd Installment \$21.98

Richard A. L. Shroyer

Wayne Township Duplicate #114, line 33.

Taxes of 1964 not computed.

Search for judgments has been made in and is restricted to the following names:

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Richard Shroyer

Lora L. Shroyer

DREIBELBISS ABSTRACT OF TITLE COMPANY, INC.
FORT WAYNE, INDIANA

This Certificate Witnesseth: That the undersigned Company, in consideration of the payment of its fee therefor, and subject to the exceptions hereinafter specified, does hereby certify, for the use and benefit of any owner of the real estate hereinafter described, his mortgagees, trustees, readers, and assigns, that the foregoing, consisting of 2 sheets, numbered consecutively, is a complete and correct abstract of all instruments, entries and proceedings, entered or filed of record, in Allen County, Indiana, during the period of time hereinafter specified, affecting the following real estate in said County:

Lot Numbered 20 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, Indiana, being a subdivision of part of Richardville Reserve in Section 35, in Township 30 North of Range 12 East, according to the plat thereof, recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana.

That all instruments, entries and proceedings, transferring or otherwise affecting the ownership of said real estate, or any part thereof, or any interest therein, have been included;

That there are no instruments, entries or proceedings, which are liens against said real estate, except those shown, including taxes and special assessment; that the status of such liens is correctly set forth, including any assignments thereof; that all satisfied liens and all releases and other evidences of satisfaction of such liens have been included; that (in case this Certificate be made to the continuation of an abstract) all changes in the status of liens, shown as such on this abstract prior to this continuation thereof, have been correctly noted or shown;

The period of
time certified
to herein is:

From: October 6, 1958 at 1:48 P.M.
To: April 30, 1964 at 5:00 P.M.

This Certificate includes only matters entered or filed of record during said period, except in case of judgments. Certificate includes all judgments, not satisfied of record, entered on the Judgment Dockets of the Circuit and Superior Courts of said County, at any time during the ten years last preceding the date of this Certificate, against all owners of the above described real estate whose names are shown by the records as holding title at any time during the period covered by this Certificate, under the names by which said owners acquired title. Other liens, including special assessments, which appeared of record prior to said period, are not included, even though existing during said period, above described real estate is herein certified to as subject to existing public roads or highways and to regulations by any governmental agency limiting the use thereof. Taxes on personal property, adoption proceedings, conditional sales as defined in the Uniform Conditional Sales Act and liens on or transfers of the title to chattels and such as may have become fixtures are not included. Pending suits are not included unless the above described real estate is the subject matter thereof, or a Lis Pendens notice has been filed describing said real estate. The records of the United States District Court are not included, unless expressly specified. Exceptions from search if any, specified in abstract, limit pro tanto this certificate.

No liability shall exist under this Certificate unless the fee in consideration of which the same is made shall have been paid. This Certificate shall be voidable without notice at the option of the Company at any time after the expiration of sixty days from the date thereof for non-payment of such fees. No such fee shall be considered paid until received by the Company.

We further certify that we have examined the records of the United States District Court, for the Northern District of Indiana, Fort Wayne Division, for the ten years last preceding, and that there is nothing there appearing affecting the title of the real estate above referred to.

In Witness Whereof, Said Company hath caused its corporate seal to be hereto affixed and these presents to be signed and attested under authority of its By-laws, as of the hour and day and year last above written.

DREIBELBISS ABSTRACT OF TITLE COMPANY, INC.

By

W. W. Schuyler
MANAGER

GR ks #105965

CONTINUATION OF ABSTRACT
FOR
THE FOLLOWING DESCRIBED REAL ESTATE
IN
ALLEN COUNTY, INDIANA

The South 105 feet of Lot No. 20 in Winchester Heights Addition, Section "A" to the City of Fort Wayne, according to the Plat thereof recorded in Plat Record 17, page 89, in the Office of the Recorder of Allen County, Indiana, and more particularly described as follows:

Beginning at the southeast corner of said Lot 20, said point also being the intersection of the southernmost boundary of said lot and the Winchester Road; commencing thence in a Northwesterly direction along the west right of way line of the Winchester Road a distance of 105 feet; thence West and parallel with the southernmost boundary of said Lot 20 a distance of 624 feet, more or less, to the rear or west lot line of said Lot 20; thence in a southeasterly direction along the west lot line of said Lot 20, a distance of 105 feet to the Southwest corner of said Lot 20; thence northeasterly along the southernmost boundary of said Lot 20 to the point of beginning.

Oreibelbiss Abstract of Title Company, Inc.
Fort Wayne, Indiana

DUTY ENTITLED FOR PENSION

THIS INSTRUMENT HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY ATTORNEYS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTION OF SPECIAL CLAUSES ARE NOT WITHIN THE PRACTICE OF LAW AND SHOULD BE DONE BY AN ATTORNEY.

JUN 25 1964

WARRANTY DEED

Book 638 Page 304

Walter L. Summer

SUBTROP OF ALLEN COUNTY

This indenture witnesseth that RICHARD P. SHROYER and LORA L. SHROYER, husband

and wife, each over the age of twenty-one (21) years,

of ALLEN County in the State of INDIANA

Conveys and warrants to MICHAEL PETRAS and LOIS G. PETRAS, husband and wife,

each over the age of twenty-one (21) years,

of ALLEN County in the State of INDIANA for and in consideration of Ten Dollars (\$10.00) and other valuable consideration,

the receipt whereof is hereby acknowledged, the following Real Estate in ALLEN County in the State of Indiana, to wit:

The South 105 feet of Lot No. 20 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, according to the Plat thereof recorded in Plat Record 17, page 89, in the Office of the Recorder of Allen County, Indiana, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 20, said point also being the intersection of the southernmost boundary of said lot and the Winchester Road; Commencing thence in a Northwesterly direction along the west right of way line of the Winchester Road a distance of 105 feet; thence West and parallel with the southernmost boundary of said Lot 20 a distance of 624 feet, more or less, to the rear or west lot line of said Lot 20; thence in a southeasterly direction along the west lot line of said Lot 20 a distance of 105 feet to the Southwest corner of said Lot 20; thence northeasterly along the southernmost boundary of said Lot 20 to the point of beginning;

Also North half vacated Hilltop Drive adjoining Southerly boundary of said property;

SUBJECT TO all taxes, assessments, restrictions and limitations of record;

State of Indiana, ALLEN County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this 23rd day of June 1964 personally appeared: RICHARD P. SHROYER and LORA L. SHROYER, husband and wife, each over the age of twenty-one (21) years,

Dated this 23rd Day of June 1964

Richard P. Shroyer Seal
Richard P. Shroyer

Lora L. Shroyer Seal
Lora L. Shroyer

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires May 12, 1966

Howard L. Chapman
Howard L. Chapman, Notary Public

This instrument was prepared by HOWARD L. CHAPMAN

Recorded June 25, 1964 at 1:17 P.M. Allen County

Deed Record 638 page 304.

MAIL TO:

-1-

COPYRIGHT ALLEN COUNTY INDIANA BAR ASSOCIATION 1957
Carl Lee Printing, Inc. Fort Wayne, Indiana

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--- E N C U M B R A N C E S ---

Search for judgments has been made in and is restricted to the following names:

Richard Shroyer

Richard P. Shroyer

Lora L. Shroyer

Michael Petras

Lois G. Petras

(Referring to No. 116)

Nickelby Exp

J. H. H.

Book 81 Page 264

RELEASE OF A PORTION OF
MORTGAGED REAL ESTATE

IN CONSIDERATION of One Dollar (\$1.00), and other valuable consideration, receipt whereof is hereby acknowledged, FORT WAYNE NATIONAL BANK does hereby release the following described real estate, to-wit:

The South 105 feet of Lot No. 20 in Winchester Heights Addition, Section "A", to the City of Fort Wayne, according to the Plat thereof recorded in Plat Record 17, page 89, in the office of the Recorder of Allen County, Indiana, and more particularly described as follows:

RECORDED
JUL 13 1958
ALLEN COUNTY REC.

Beginning at the Southeast corner of said Lot 20, said point also being the intersection of the southernmost boundary of said lot and the Winchester Road; Commencing thence in a North-westerly direction along the west right of way line of the Winchester Road a distance of 105 feet; thence West and parallel with the southernmost boundary of said Lot 20 a distance of 624 feet, more or less, to the rear or west lot line of said Lot 20; thence in a southeasterly direction along the west lot line of said Lot 20 a distance of 105 feet to the Southwest corner of said Lot 20; thence northeasterly along the southernmost boundary of said Lot 20 to the point of beginning;

Also North half vacated Hilltop Drive adjoining Southerly boundary of said property;

from the lien and effect of a certain mortgage executed by RICHARD P. SHROYER and LORA L. SHROYER, husband and wife, to Fort Wayne National Bank, under date of October 3, 1958,

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6-25-1964
This Plat is exempt from
recording tax by reason of
being a plat of a
vacating and improving a
lot in a residentially exempt under
Sec. 1301

Dorothy E. Rorer
RECORDER, ALLEN COUNTY, INDIANA

recorded in the Office of the Recorder of Allen County, Indiana,
in Mortgage Record Book 679, page 521; PROVIDED THAT, said mort-
gage shall remain in full force and effect as to all other real
estate encumbered thereby.

DATED this 18th day of May, 1964.



FORT WAYNE NATIONAL BANK

By Edwin H. Hasse
Edwin H. Hasse, Vice President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

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Appeared before me, a Notary Public, in and for said
 County and State, EDWIN H. HASSE
 the Vice President of FORT WAYNE
 NATIONAL BANK, and acknowledged the execution of the foregoing
 partial Release for and on behalf of said FORT WAYNE NATIONAL
 BANK.

Howard L. Chapman, Notary Public

My Commission Expires:

May 12, 1966

This instrument prepared by Howard L. Chapman.

Recorded June 25, 1964 at 1:18 P.M. Release Record 81 page 269-70.

DREIBELBISS ABSTRACT OF TITLE COMPANY, INC.
FORT WAYNE, INDIANA

This Certificate Witnesseth: That the undersigned Company, in consideration of the payment of its fee therefor, and subject to the exceptions hereinafter specified, does hereby certify, for the use and benefit of any owner of the real estate hereinafter described, his mortgagees, trustees, vendees, and assigns, that the foregoing, consisting of 4 sheets, numbered consecutively, is a complete and correct abstract of all instruments, entries and proceedings, entered or filed of record, in Allen County, Indiana, during the period of time hereinafter specified, affecting the following real estate in said County:

Real estate as described in the caption of this continuation.

That all instruments, entries and proceedings, transferring or otherwise affecting the ownership of said real estate, or any part thereof, or any interest therein, have been included;

That there are no instruments, entries or proceedings, which are liens against said real estate, except those shown, including taxes and special assessment; that the status of such liens is correctly set forth, including any assignments thereof; that all satisfied liens and all releases and other evidences of satisfaction of such liens have been included; that (in case this Certificate be made to the continuation of an abstract) all changes in the status of liens, shown as such on this abstract prior to this continuation thereof, have been correctly noted or shown;

The period of
time certified
to herein is:

From: April 30, 1964 at 5:00 P.M.
To: June 25, 1964 at 1:18 P.M.

This Certificate includes only matters entered or filed of record during said period, except in case of judgments. Certificate includes all judgments, not entered of record, entered on the Judgment Dockets of the Circuit and Superior Courts of said County at any time during the ten years last preceding the date of this Certificate, against all owners of the above described real estate whose names are shown by the records as holding title at any time during the period covered by this Certificate, under the names by which said owners acquired title. Other liens, including special assessments, which appeared of record prior to said period are not included, even though existing during said period, above described real estate is herein certified to as subject to existing public roads or highways and to regulations by any governmental agency limiting the use thereof. Taxes on personal property, adoption proceedings, conditional sales as defined in the Uniform Conditional Sales Act and liens on or titleholders of the title to chattels and such as may have become fixtures are not included. Pending suits are not included unless the above described real estate is the subject matter thereof, or a Lis Pendens notice has been filed describing said real estate. The records of the United States District Court are not included, unless expressly specified. Exceptions from search if any specified in abstract, limit pro tanto this certificate.

No liability shall exist under this Certificate unless the fee in consideration of which the same is made shall have been paid. This Certificate shall be voidable without notice at the option of the Company at any time after the expiration of sixty days from the date thereof for non-payment of such fee. No such fee shall be considered paid until received by the Company.

We further certify that we have examined the records of the United States District Court for the Northern District of Indiana, Fort Wayne Division, for the ten years last preceding, and that there is nothing there appearing affecting the title of the real estate above referred to.

In Witness Whereof, Said Company hath caused its corporate seal to be hereunto affixed and these presents to be signed and attested under authority of its By-laws, as of the hour and day and year last above written.

DREIBELBISS ABSTRACT OF TITLE COMPANY, INC.

By: 
MANAGER

MT:cv #105965

HECKMAN
BINDERY INC.



OCT 92

N. MANCHESTER,
INDIANA 46962

